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Council Proceedings

Official Report

Bengal Le[illegible]cil

Thirty-first Session, 1929

4th, 7th, 8th, 11th to 13th February, 1929

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Colonel the Right Hon'ble Sir FRANCIS STANLEY JACKSON, P.C., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, C.I.E., of Dhanbari, in charge of the following portfolios:—

1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Irrigation.

The Hon'ble Mr. A. N. Moberly, C.I.E., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Judicial.

The Hon'ble Mr. A. MARR, C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.

The Hon'ble Sir PROVASH CHUNDER MITTER, KT., C.I.E., in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Jails.
5. Legislative.

MINISTERS.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur, in charge of the following portfolios:—

1. Education (excluding European Education).
2. Excise.
3. Registration.

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur, in charge of the following portfolios:—

1. Local Self-Government.
2. Agriculture and Industries (excluding Excise).
3. Public Works.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh.

DEPUTY PRESIDENT.

Khan Bahadur Maulvi EMADUDDIN AHMED, B.L.

Panel of Chairmen for the Thirty-first Session.

1. Maharaja SHASHI KANTA ACHARJYA CHAUDHURI, of Muktagacha, Mymensingh.
2. Dr. Sir DEVA PROSAD SARBADHIKARI, KT., C.I.E., C.B.E.
3. Mr. W. L. TRAVERS, C.I.E., O.B.E.
4. Mr. M. ASHRAF ALI KHAN CHAUDHURI.

Secretary to the Council—J. BARTLEY, I.C.S.

Assistant Secretaries to the Council—A. M. HUTCHISON and K. N. MAJUMDAR.

Registrar to the Council—J. W. McKAY.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh. (Dacca University.)
Afzal, Maulvi Syed Mahamud. [Bakarganj West (Muhammadan).]
Ahamad, Maulvi Asimuddin. [Tippera South (Muhammadan).]
Ahamad, Maulvi Kasiruddin. [Rangpur West (Muhammadan).]
*Ahmed, Khan Bahadur Maulvi Emaduddin. [Rajshahi South (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]
Atiqullah, Mr. Syed Muhammad. [Mymensingh East (Muhammadan).]

B

Bagchi, Babu Romes Chandra. [Malda (Non-Muhammadan).]
Baksh, Maulvi Kader, B.L. [Dinajpur (Muhammadan).]
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan).]
Banerjee, Babu Promotha Nath. [Midnapore South (Non-Muhammadan).]
Banerjee, Mr. A. C. [Calcutta South Central (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Basu, Babu Sasi Sekhar. [24-Parganas Rural South (Non-Muhammadan).]
Basu, Mr. P. C. [Burdwan South (Non-Muhammadan).]
Basu, Mr. Sarat C. [Burdwan North (Non-Muhammadan).]
Biswas, Babu Surendra Nath. [Faridpur South (Non-Muhammadan).]
Blair, Mr. J. R. (Nominated Official.)
Bose, Babu Bejoy Krishna. [Calcutta South (Non-Muhammadan).]
Bose, Mr. S. C. (Calcutta University.)
Bose, Mr. Subhas Chandra. [Calcutta North (Non-Muhammadan).]

C

Cassells, Mr. A. (Nominated Official.)
Chakraburtty, Babu Jatindra Nath. [Rangpur East (Non-Muhammadan).]

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* Deputy President, Bengal Legislative Council.

Chakravarti, Babu Jogindra Chandra. [Dinajpur (Non-Muhammadan).]
Chakravarti, Mr. Byomkes. (Bengal National Chamber of Commerce.)
Chatterjee, Srijut Bijay Kumar. [Bankura West (Non-Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman. (Nominated Non-official.)
Chaudhuri, Maulvi Nurul Huq. [Noakhali East (Muhammadan).]
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, C.I.E., of Dhanbari. (Member, Executive Council.)
Choudhury, Maulvi Golam Mawla. [Faridpur South (Muhammadan).]
Choudhury, Maulvi Khorshed Alam. [Bakarganj North (Muhammadan).]
Cohen, Mr. D. J. (Nominated Non-official.)

D

Das Gupta, Dr. J. M. [Calcutta Central (Non-Muhammadan).]
Dash, Mr. A. J. (Nominated Official.)
Datta, Babu Akhil Chandra. [Tippera (Non-Muhammadan).]
Datta, Babu Amulya Chandra. [Hooghly Muncipal (Non-Muhammadan).]
Drummond, Mr. J. G. (Nominated Official.)
Dutt, Babu Saral Kumar. [Bakarganj North (Non-Muhammadan).]

E

Eddis, Mr. A. McD. (Bengal Chamber of Commerce.)

F

Faroqui, Khan Bahadur K. G. M. [Tippera North (Muhammadan).]
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]
Fyfe, Mr. J. H. (Bengal Chamber of Commerce.)

G

Ganguly, Babu Khagendra Nath. [Howrah Municipal (Non-Muhammadan).]
Ghose, Babu Amarendra Nath. [Mymensingh West (Non-Muhammadan).]

Ghose, Mr. M. C. (Nominated Official.)
Ghosh Maulik, Mr. Satyendra Chandra. [Noakhali (Non-Muhammadan).]
Ghuznavi, Alhadji Sir Abdelkerim, KT. [Mymensingh South-West (Muhammadan).]
Gilchrist, Mr. R. N. (Nominated Official.)
Goenka, Rai Bahadur Badridas, C.I.E. (Bengal Marwari Association.)
Gofran, Maulvi Abdul. [Noakhali West (Muhammadan).]
Gordon, Mr. A. D. (Indian Tea Association.)
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. Jogesh Chandra. [Dacca City (Non-Muhammadan).]

H

Habibulla, Nawab Khwaja. [Dacca City (Muhammadan).]
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Himatsingska, Babu Prabhu Doyal. [Calcutta West (Non-Muhammadan).]
Hogg, Mr. G. P. (Nominated Official.)
Hopkyns, Mr. W. S., C.I.E., O.B.E. (Nominated Official.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur. (Minister.) [Malda *cum* Jalpaiguri (Muhammadan).]
Husain, Maulvi Latafat. (Nominated Non-official.)
Husain, Khan Bahadur Maulvi Syed Maqbul. [Chittagong North (Muhammadan).]
Huq, Khan Bahadur Maulvi Ekramul. [Murshidabad (Muhammadan).]
Huq, Mr. A. K. Fazl-ul. [Dacca East Rural (Muhammadan)]

I

Ismail, Khan Bahadur Maulvi Muhammad. [Mymensingh Central (Muhammadan).]

J

Jenkins, Dr. W. A. (Nominated Official.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]

Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan, Khan Sahib Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur North (Muhammadan).]
Khan, Mr. Rasaur Rahman. [Dacca East Rural (Muhammadan).]
Khan Chaudhuri, Mr. M. Ashraf Ali. [Rajshahi North (Muhammadan).]

L

Laird, Mr. R. B. (Bengal Chamber of Commerce.)
Lala, Babu Saroda Kripa. (Chittagong Landholders.)
Lamb, Mr. T. (Indian Jute Mills Association.)

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Babu Mahendra Nath. [Midnapore South-East (Non-Muhammadan).]
Marr, the Hon'ble Mr. A., C.I.E. (Member, Executive Council.)
Martin, Mr. O. S. (Bengal Chamber of Commerce.)
Mazumdar, Rai Bahadur Jadunath, C.I.E. [Jessore North (Non-Muhammadan).]
McCluskie, Mr. E. T. (Anglo-Indian.)
Mitter, Rai Bahadur Manmatha Nath. (Presidency Landholders.)
Mitter, the Hon'ble Sir Provash Chunder, KT., C.I.E. (Member, Executive Council.)
Moberly, the Hon'ble Mr. A. N., C.I.E. (Member, Executive Council.)
Moitra, Srijut Jogendra Nath. [Bogra *cum* Pabna (Non-Muhammadan).]
Mukerjea, Srijut Taraknath. [Hooghly Rural (Non-Muhammadan).]
Mukerji, Mr. S. C. (Nominated Non-official.)

N

Nandy, Maharaj Kumar Sris Chandra. [Murshidabad (Non-Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Nazimuddin, Mr. Khwaja, C.I.E. [Bakarganj South (Muhammadan).]

O

Ordish, Mr. J. E. [Dacca and Chittagong (European).]
Ormond, Mr. E. C. [Burdwan and Presidency (European).]

P

Pal Choudhuri, Mr. Ranjit. [Nadia (Non-Muhammadan).]
Philip, Mr. J. Y. (Bengal Chamber of Commerce.)
Philpot, Mr. H. C. V. (Nominated Official.)
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Prentice, Mr. W. D. R., C.I.E. (Nominated Official.)

R

Rahim, Sir Abd-ur, K.C.S.I. [Calcutta North (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan.)]
Rahman, Maulvi Shamsur. [Khulna (Muhammadan).]
Rahman, Mr. A. F. (Nominated Non-official.)
Rahman, Mr. A. F. M. Abdur. [24-Parganas Rural (Muhammadan).]
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rauf, Maulvi Syed Abdur. [Jessore North (Muhammadan).]
Ray, Babu Nagendra Narayan. [Rangpur West (Non-Muhammadan).]
Ray, Babu Surendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Ray, Dr. Kumud Sankar. [Faridpur North (Non-Muhammadan).]
Ray, Maharaja Jogindra Nath, of Nator. (Rajshahi Landholders.)
Ray, Srijut Radha Gobinda. [Bankura East (Non-Muhammadan).]
Ray Chaudhuri, Mr. K. C. (Nominated Non-official.)
*Ray Chaudhuri, the Hon'ble Raja Manmatha Nath, of Santosh. (Dacca Landholders.)
Rose, Mr. G. F. (Indian Jute Mills Association.)
Roy, Babu Manmatha Nath. [Howrah Rural (Non-Muhammadan).]
Roy, Dr. Bidhan Chandra. [24-Parganas Municipal North (Non-Muhammadan).]
Roy, Mr. Bijoy Prasad Singh. (Nominated Non-official.)
Roy, Mr. D. N., Bar.-at-Law. [Jessore South (Non-Muhammadan).]
Roy, Mr. Kiran Sankar. [Dacca Rural (Non-Muhammadan).]
Roy Choudhuri, Rai Bahadur Satyendra Nath. [Bakarganj South (Non-Muhammadan).]

S

Sanyal, Babu Sachindra Narayan. [Rajshahi (Non-Muhammadan).]
Sarbadhikari, Dr. Sir Deva Prosad, KT., C.I.E., C.B.E. (Nominated Non-official.)
Sarkar, Babu Naliniranjan. [Mymensingh East (Non-Muhammadan).]

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* President of the Bengal Legislative Council.

Sarker, Rai Sahib Rebati Mohan. (Nominated Non-official.)
Sattar, Khan Sahib Abdus. [Chittagong South (Muhammadan).]
Sattar, Mr. Abdool Razak Hajee Abdool. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Sen, Mr. Satish Chandra (Bengal National Chamber of Commerce.)
Sen, Srijut Nagendra Nath. [Khulna (Non-Muhammadan).]
Sen Gupta, Mr. J. M. [Chittagong (Non-Muhammadan).]
Shah, Mr. Gholam Hossain. [24-Parganas Municipal (Muhammadan).]
Sinha, the Hon'ble Raja Bahadur Bhupendra Narayan, of Nashipur. (Minister.) (Burdwan Landholders.)
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Stapleton, Mr. H.E. (Nominated Official.)
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]

T

Tate, Major-General Godfrey, M.B., K.H.S., I.M.S. (Nominated Official.)
Thomas, Mr. H. W. (Calcutta Trades Association.)
Thompson, Mr. W. H. (Bengal Chamber of Commerce.)
Travers, Mr. W. L., C.I.E., O.B.E. [Rajshahi (European).]

W

Wordsworth, Mr. W. C. [Presidency and Burdwan (European).]

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Thirty-first Session.)

Volume XXXI—No. 1.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 4th February, 1929, at 3 p.m.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers, and 94 nominated and elected members.

Oath or Affirmation.

The following members made an oath or affirmation of their allegiance to the Crown :—

Mr. W. D. R. PRENTICE, C.I.E., I.C.S.

Major-General GODFREY TATE, M.B., K.H.S., I.M.S.

Mr. H. C. V. PHILIPOT, I.C.S.

Mr. J. G. DRUMMOND, I.C.S.

Mr. R. N. GILCHRIST.

Dr. W. A. JENKINS.

Rai MANMATHA NATH MITTER Bahadur.

Mr. R. B. LAIRD.

Mr. W. H. THOMPSON.

Mr. J. Y. PHILIP.

Mr. G. F. ROSE.

Mr. T. LAMB.

Illness of His Majesty the King-Emperor.

Mr. PRESIDENT: Gentlemen of the Council: At this moment when we assemble once more, I cannot forbear from mentioning a matter which has in the interval since we last met filled our thoughts and those of millions of our fellow subjects throughout the Empire. For nearly three months the illness of His Majesty the King-Emperor has cast a shadow of anxiety over all of us. Happily that anxiety is now lessening, with the advent of the reassuring news that His Majesty's health is steadily though slowly improving. I am voicing, I am sure, the sentiments of the House when I say that it is our very earnest prayer that he may soon be completely restored to health; and I propose on behalf of the House to transmit this expression of our sympathy for His Majesty in his illness, and of our heartfelt wishes for his speedy recovery.

Obituary references.

I have another duty to perform, and it is a melancholy one. In the interval which has elapsed since last we met reports have been received of the death of five gentlemen who had been at one time or another members of the Bengal Legislative Council—the Hon'ble Mr. S. R. Das, Khan Bahadur Maulvi Wasimuddin Ahmed, Mr. W. T. Spink, Mr. R. H. Child and Mr. C. A. Wilkins.

Mr. S. R. Das, who was a member of this Council from 1921 to 1923, died in October last. He was the son of the late Durga Mohan Das, a well known religious reformer of his time. His sound knowledge of law won Satish Ranjan admiration from all sides and he filled the position of Standing Counsel, Government of India, Advocate-General, Bengal, and Law Member of the Government of India with conspicuous success. With his death has passed away from our midst a great son of Bengal and an Indian of outstanding character, rare virtues and striking personality. Those who knew him intimately will bear testimony to his absolute selflessness, real spirit of service, deep-seated patriotism and unostentatious charities which enabled him to leave behind his earthly career, as a legacy to his countrymen, a clean record of valuable services. I dare say posterity will gaze on it with wonder and admiration. Speaking of his selflessness, I may simply observe that it is known to his friend and foe alike that he never had any attraction for the lime-light. It is also known to them that he dedicated his life to and spent himself in the service of his country and countrymen. That all his actions, throughout his eventful life, were characterised by a fearlessness which could only emanate from true patriotism will be readily admitted by all. As for his charities it is a widely known truth that for him money had

hardly any intrinsic value. He really lived more for others than for himself. I have made a passing reference to his foe, but in reality he had few personal enemies—he himself was a staunch friend with a loving personality. It is natural that both the Government and the country are poorer by the loss of such a man. The glowing tributes which were paid to his memory by His Excellency the Viceroy go to prove, in a remarkable manner, the esteem in which the deceased statesman was held by the State. Whereas the striking expressions of praise, regret and sympathy which poured in from all sides of the country, when he was no more, should leave no doubt in anybody's mind that India was proud of him and cherishes his memory as an example of great value, to draw others towards courage, enterprise and self-sacrifice. His fidelity to truth, devotion to duty, his strict loyalty and steadfast adherence to the ideals, which had the approval of his conscience, are really worthy of imitation.

Khan Bahadur Maulvi Wasimuddin Ahmed represented the Pabna (Muhammadan) constituency of the Bengal Legislative Council during 1921-23. All the members present, who were also members of the first Council under the reformed constitution, will recollect what keen interest the late Khan Bahadur took in all the affairs of the Council. He was long connected with the district board of Pabna first as its member and afterwards as Chairman. He took a very lively interest in the co-operative movement in this presidency and did much for its development. The late Khan Bahadur was above communal partiality and was beloved of the Hindus and Muhammadans alike.

Mr. W. T. Spink, of the firm of Messrs. Thacker, Spink & Co., died in London in October last. He was a member of the Bengal Legislative Council in 1906 and 1907. He resided in Calcutta for a long time and took an active interest in the public affairs of the city. He served as Master of the Calcutta Trades Association and as a Commissioner in the Calcutta Port Trust.

Mr. R. H. Child, of Messrs. R. Steele & Co., died in his prime in London in December last. Mr. Child was a member of this Council from the Bengal Chamber of Commerce constituency during the years 1926 and also for a short period at the beginning of 1927. He was a leading man in the jute export trade of this province, and was President of the Calcutta Jute Balers' Association.

Death has also taken away another ex-officer of the Bengal Government and member of the Bengal Legislative Council under the old constitution. Mr. C. W. Wilkins was a member of this Council in the years 1894 and 1895. He served under this Government and was elevated to the Bench of the Calcutta High Court.

We have also to record the death which occurred very recently of Mr. Jogendra Nath Mukherji, who was a member of this Council

from 1905 to 1907. He was also a member of the Indian Legislative Assembly during 1921-23. An erudite scholar, a sound lawyer and a cultured Indian gentleman, Bengal will mourn his loss.

With your permission, gentlemen, I propose to convey the sympathy of this Council to the families of the deceased. I now request you, gentlemen, to show your respect to their memory by kindly rising in your places.

(All the members then rose in their places.)

Mr. PRESIDENT: Thank you, gentlemen. The Secretary will please take the usual steps.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of Rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session:—

(1) Maharaja SHASHI KANTA ACHARJYA CHAUDHURI, of Muktagacha, Mymensingh.

(2) Dr. Sir DEVA PROSAD SARBADHIKARI, KT., C.I.E., C.B.E.

(3) Mr. W. L. TRAVERS, C.I.E., O.B.E.

(4) Mr. M. ASHRAF ALI KHAN CHAUDHURI.

Unless otherwise arranged, the senior member among them present in the above order named will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Starred Questions

(to which oral answers were given).

Lock-gates at the mouths of certain khals on the south bank of Lower Kumar River.

*1. **Babu SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that lock-gates are being constructed at the mouths of Amgram, Mustafapur, Rajair and Khalia khals on the southern bank of the Lower Kumar?

(*b*) Is the Hon'ble Member aware that the breadth of those gates has been designed at 15 feet?

(c) Is the Hon'ble Member aware that mercantile boats carrying heavy cargoes have to pass through those khals?

(d) Is the Hon'ble Member aware that there are many such boats which are more than 15 feet wide?

(e) If the answers to (a) to (d) are in the affirmative, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of staying the construction of the said 15 feet gates and of providing for wider gates?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): (a) Yes.

(b) Yes.

(c) Yes.

(d) A census of boats using the khal was taken. No boat was found to exceed 13 feet in beam.

(e) Government do not consider such a course necessary.

Floor of the lock-gate at the mouth of Amgram Khal.

*2. **Babu SURENDRA NATH BISWAS:** (a) Is the Hon'ble Member in charge of the Department of Irrigation aware that the floor of the lock-gate at the mouth of the Amgram Khal is designed to be about 2 feet 6 inches higher than the bed of the khal?

(b) Is it not a fact that silt naturally deposits in the bed of a water channel if the bed of its mouth is raised to a higher level?

(c) Are the Government considering the desirability of staying the construction of such a high floor for the Amgram gate and of providing for a lower floor at least one in the same level with the bed of the khal?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (a) Yes.

(b) Not necessarily.

(c) The question of building the floor at a lower level to pass vessels in the dry season without difficulty is under consideration.

Construction of a low embankment on the northern bank of the bil route between Jalilpur and Satpur.

*3. **Babu SURENDRA NATH BISWAS:** (a) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether a petition had been submitted to him by the inhabitants of

several villages in the subdivision of Gopalganj for the construction of a low embankment on the northern bank of the Bil route between Jalilpar and Satpar?

(*b*) Is it a fact that the Department of Irrigation rejected the aforesaid petition on the ground that the Government would not help the affected people in view of the fact that by the opening of the bil route several people were benefited?

(*c*) Is it a fact that in the said petition the petitioners complained that crops of thousands of acres of land become damaged at their early stage and hundreds of acres of land become unfit for cultivation by overflow of the water of the bil route into the affected area in March every year?

(*d*) Will the Hon'ble Member be pleased to state whether any inquiry was made into the matter referred to in clause (*c*)?

(*e*) Will the Hon'ble Member be pleased to state the nature of benefit the public derive from the maintenance of the bil route?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) Yes.

(*b*) The petitioners' request for an embankment on the western side of the bil route was refused on the grounds that conditions in the bil area had improved since the route had been excavated, and there was no liability on the part of Government to make such an embankment.

(*c*) Yes.

(*d*) An inquiry was made.

(*e*) The benefit of the route is twofold. It serves as the general drain for the bil, and as a navigable route to any who wish to use it.

Srijut NAGENDRA NATH SEN: With reference to the answer to question 3 (*b*) will the Hon'ble Member be pleased to state whether any enquiry was made?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: The member is referred to the answer in (*d*).

Excavation of the site of birth place of Lord Gouranga.

*4. **Mr. RANJIT PAL CHOUDHURI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is in the contemplation of the Government to take up the excavation works of the temple of the birth place of the Great Prophet Lord Gouranga at Prachin-Mayapur in the town of Nabadwip?

(b) Is the Hon'ble Member aware that the excavation and discovery of the temple of the birth place of Lord Gouranga is a matter of great religious concern to the Hindus in general?

(c) Is the Hon'ble Member aware that the birth place of Lord Gouranga has been fixed at Char Nidaya, a vast field, bearing tausi No. 2894 (khas mahal) in the district of Nadia?

(d) Is it a fact that the said temple was erected and established at the birth place of Lord Gouranga by late Dewan Ganga Gobind Singh of Kandi fame in 1791 and merged in the Bhagirathi in the year 1821 (territorial aristocracy of Bengal, the Kandi Family, Calcutta review, 1846)?

(e) Is it a fact that the late Dewan dedicated his valued Bugwan Pargana as "Debattor" property for "seva" and upkeep of the temple, etc.?

(f) Will the Hon'ble Member be pleased to state whether the Government have got any record of such "Debattor"?

(g) If the answer to (f) is in the negative, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of making an inquiry into the matter?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (a) The decision as to where excavations are to be undertaken rests with the Archæological Department of the Government of India. As far as the Government of Bengal are aware, the excavation of the site mentioned is not under contemplation.

(b) Government have no information on this point.

(c) No.

(d) and (e) Government have no information on the point.

(f) No.

(g) No.

Staircase leading to Additional Judge's Court, Howrah.

*5. **Babu KHAGENDRA NATH GANGULY:** (a) With reference to the replies given to my starred and unstarred questions Nos. LXXXIV and 81 at the meetings of the Bengal Legislative Council held on the 1st March, 1926 and 25th August, 1927, respectively, will the Hon'ble Member in charge of the Judicial Department be pleased to state the reasons why a new suitable staircase has not been constructed by removing the old one though administrative approval to the project was accorded long ago?

(*b*) Is the Hon'ble Member aware that the members of the local bar drew the attention of several District Judges and also of the Hon'ble Mr. Justice Cammiade to the inconveniences and troubles arising from this steep staircase leading to the Court of the Additional District Judge of Howrah?

(*c*) Will the Hon'ble Member be pleased to state whether he is in a position to make a definite statement even now as to when the work will be actually taken up?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*), (*b*) and (*c*) In view of a proposal now under consideration for the construction of a new civil court building at Howrah, which will accommodate the Additional Judge's court as well, Government do not at present propose to reconstruct the staircase in the present building.

Babu KHAGENDRA NATH GANGULY: Will the Hon'ble Member be pleased to state when the proposal is likely to materialise?

The Hon'ble Mr. A. N. MOBERLY: I submit, Sir, this is a matter of opinion.

Babu KHAGENDRA NATH GANGULY: I want to ask the Hon'ble Member the approximate time by which this building is likely to be constructed?

The Hon'ble Mr. A. N. MOBERLY: I submit, Sir, that this is the same question in another form.

Village Health Organisation.

***6. Khan Bahadur Maulvi SYED MAQBUL HUSAIN:** (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government (Public Health) be pleased to state the number of Sanitary Inspectors deputed by Government to each of the districts of Noakhali, Tippera and Chittagong?

(*b*) Is it in the contemplation of the Government to put each thana in charge of a Sanitary Inspector?

(*c*) Will the Hon'ble Minister be pleased to state whether the Government have given up the scheme of village health organisation?

(*d*) What were the annual grants for the scheme in 1927 and 1928?

(*e*) Is it a fact that the Government once contemplated to make a grant of Rs. 12 lakhs per annum for village health organisation?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (PUBLIC HEALTH) (the Hon'ble Raja B[illegible] Narayan Sinha Bahadur, of Nashipur): (*a*) Noakhali 14, Tippera 11 and Chittagong 8.

(*b*) Yes.

(*c*) No.

(*d*) 1927-28 Rs. 3 lakhs and 1928-29 Rs. 6 lakhs.

(*e*) Government propose to go on with the scheme until every thana in the rural areas of Bengal is provided with a staff under the rural public health organisation. The ultimate cost is likely to be between Rs. 11 and 12 lakhs a year.

Khan Bahadur Maulvi SYED MAQBUL HUSAIN: Will the Hon'ble Minister be pleased to state why the number of Sanitary Inspectors is so small?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Because qualified Inspectors are not available at the present moment.

Khan Bahadur Maulvi SYED MAQBUL HUSAIN: With reference to answer (*d*) will the Hon'ble Minister be pleased to state when Government is going to put through the scheme of village health organisation?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: The scheme is likely to be taken up in 1930-31.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether Sanitary Inspectors were advertised for?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I want notice of this question.

Mosquito curtains for prisoners in malarious districts.

*7. **Srijut TARAKNATH MUKERJEA:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state—

(*i*) the number of prisoners now in the Hooghly Jail, and the Serampore and Arambagh sub-jails;

(*ii*) the number of them that are suffering from malaria and enlarged spleen, and

(*iii*) the number of them that are supplied with mosquito curtains?

(*b*) Are the Government considering the desirability of supplying mosquito curtains to all prisoners in the malarious districts?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Member be pleased to state what other steps are in the contemplation of Government to prevent and protect the prisoners from being bitten by infected mosquitoes?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) (*i*) On the 17th January, 1929, there were 263, 22 and 11 prisoners in the Hooghly Jail and Serampore and Arambagh sub-jails respectively.

(*ii*) Hooghly 2, Serampore 2 and Arambagh 3 undertrials admitted with enlarged spleen, but not suffering from fever in the sub-jail.

(*iii*) Hooghly 2, Serampore nil and Arambagh nil.

(*b*) Yes. Government is considering the desirability of extending the experiment which was tried at one jail to others situated in the more malarious districts, but it would involve considerable recurring expenditure.

(*c*) Does not arise.

Babu KHAGENDRA NATH GANGULY: Will the Hon'ble Member be pleased to state the result of the experiment tried in that particular jail?

The Hon'ble Sir PROVASH CHUNDER MITTER: No definite results can be given yet, but on the whole the reports are favourable.

Babu KHAGENDRA NATH GANGULY: Will the Hon'ble Member be pleased to state facts and figures about the number of prisoners suffering from malaria?

The Hon'ble Sir PROVASH CHUNDER MITTER: It is not possible to supply facts and figures as the hon'ble member will perhaps realise.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state whether the jail referred to in answer (*b*) is the Pabna Jail, and when the experiment was tried there?

The Hon'ble Sir PROVASH CHUNDER MITTER: The jail referred to is the Pabna Jail. I do not remember the exact date, it was tried some time ago. If the hon'ble member wants to have more definite information, I want fresh notice.

Bengal Tenancy (Amendment) Act.

*8. **Maulvi TAMIZUDDIN KHAN:** (a) Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether the Bengal Tenancy (Amendment) Bill passed at the last session of the Council has received the assent of Their Excellencies the Governor of Bengal and the Governor-General?

(b) If so, when will the Act be published in the Gazette?

(c) If the answer to (a) is in the negative, will the Hon'ble Member be pleased to state whether he has any information as to when the assent is expected to be obtained?

MEMBER in charge of DEPARTMENT of REVENUE (LAND REVENUE) (the Hon'ble Sir Provash Chunder Mitter): (a) Yes.

(b) The Act will be published shortly.

(c) Does not arise.

Scheme for the eradication of water-hyacinth.

*9. **Maulvi TAMIZUDDIN KHAN:** (a) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state whether any definite scheme for the eradication of water-hyacinth is now under the consideration of Government.

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state the scheme?

(c) If no definite scheme is before the Government, what are the reasons?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (a) No definite scheme for the eradication of water-hyacinth is at present under the consideration of Government.

(b) Does not arise.

(c) No practicable solution, on which agreement can be obtained or expected, has yet been suggested.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that in July before last a Conference was held at Dacca in which certain solutions were agreed upon?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Yes.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that water-hyacinth is an ever-increasing menace, and it requires tackling?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Yes.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister willing to publish a Bill if brought by any non-official member of this House under section 47 dispensing with its introduction?

Mr. PRESIDENT: I disallow that question.

Maulvi TAMIZUDDIN KHAN: Do Government at all intend to do anything?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Government are anxious to tackle this question, but the difficulty is that there is no general agreement, so Government are unable to proceed with the matter.

Rai JADUNATH MAZUMDAR Bahadur: Will the Hon'ble Minister be pleased to state how long this water-hyacinth question has been pending before Government?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: For many years.

Rai JADUNATH MAZUMDAR Bahadur: Are the Government prepared to take up the question at all?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I think I have already answered that question.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that his predecessor in office said that he would welcome a Bill on the subject?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Yes.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether his policy is the same as that of his predecessor?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Yes.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state what further action has been taken by Government since the Conference of July, 1927?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: No action has been taken on the ground already stated.

Mr. P. N. GUHA: Will the Hon'ble Minister be pleased to state what is the fate of the report of Mr. Kalipodo Mitra, who was deputed for this work?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I want further notice.

Mr. P. N. GUHA: Will the Hon'ble Minister be pleased to state if any experiments were made with regard to the efficacy of Griffith's spray?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Yes, to some extent.

3-30 p.m.

Babu MANMATHA NATH ROY: Will the Hon'ble Minister be pleased to state whether this is an instance of how the Government carries on its duties of trusteeship for the welfare of Bengal?

Mr. PRESIDENT: That question does not arise; I do not allow it.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether in the administration of the Department of Agriculture there is any other question which is more serious both to the Government and to the agriculturists of Bengal than this?

Mr. PRESIDENT: I do not allow that question also. It is a matter of opinion.

Dr. KUMUD SANKAR RAY: Will the Hon'ble Minister be pleased to state whether the experts who advised the Government gave up the case as a hopeless one?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: No, it has not been given up as hopeless. We welcome any suggestions from non-official members.

Transfers and postings of superior officers of the Public Works Department and stationing of Mr. T. Cuerden in Calcutta.

***10. Dr. KUMUD SANKAR RAY:** (*a*) Will the Hon'ble Minister in charge of the Department of Public Works be pleased to state what are the rules or the established practice regulating transfers and postings of superior officers of the Public Works Department?

(*b*) Will the Hon'ble Minister be pleased to state whether the usual 3 years' rule applies to the case of Executive Engineers?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state what is the limit of time they are kept at one station?

(*d*) Will the Hon'ble Minister be pleased to state how long Mr. T. Cuerden, Executive Engineer, has been stationed in Calcutta?

(*e*) Will the Hon'ble Minister be pleased to state whether there has been any departure from the ordinary rule or practice in his case?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason therefor?

(*g*) Is it a fact that Mr. Cuerden was the officer responsible for the Birjitollah affair?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (*a*) Transfers and postings are made according to the exigencies of the public service.

(*b*) Does not arise.

(*c*) There is no time-limit, but efforts are made to avoid the undue retention of an officer in one place.

(*d*) Nearly six years, excluding the period spent by the officer on leave.

(*e*) None.

(*f*) Does not arise.

(*g*) No.

Unstarred Questions

(answers to which were laid on the table).

Suits for khas possession.

1. **Maulvi KASIRUDDIN AHAMAD:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement for the Presidency of Bengal showing, district by district, for the last ten years—

(*i*) the number of suits instituted by the landlords for khas possession owing to the transfer of entire occupancy holdings; and

(*ii*) the number of such suits that (*a*) succeeded, and (*b*) failed?

The Hon'ble Mr. A. N. MOBERLY: The amount of labour involved in compiling the information would be very great and the value of the information would not justify its expenditure.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. When a question has been allowed by the Hon'ble President, is it open to any Hon'ble Member to refuse to answer that question as the Hon'ble Member here has practically done?

Mr. PRESIDENT: To which question do you refer?

Babu JITENDRALAL BANNERJEE: I refer to unstarred question No. 1.

Mr. PRESIDENT: I am afraid there is no rule which gives me power to compel a Member of Government to answer a question; but although it is not possible for me to interfere, I think I should say that it is desirable that questions should be answered whenever it is possible.

Babu JITENDRALAL BANNERJEE: May I inquire under what Rules or Standing Orders or of Rules of Business or of the Government of India Act, these stereotyped replies are given; and under what rules Government can refuse to give us information? So far as the right of interpellation is concerned, it is guaranteed to us by the Government of India Act that questions put should be answered, and no Member of Government is justified in trying to evade to answer them.

The Hon'ble Mr. A. N. MOBERLY: On a point of personal explanation. I should be very pleased indeed to explain to the Hon'ble the President why Government consider that the amount of labour will be very great, and I need hardly say that I should cheerfully accept any ruling you may give on the subject.

Maulvi ABUL KASEM: On a point of order, Sir. As regards the point that there is no ruling under which you can compel an Hon'ble Member of Government to answer a particular question, I submit that as the President of the House you have every authority to compel any Hon'ble Member to answer any question which you have admitted. If a question were such that it would require a good deal of labour and expense it is for you to decide whether that question should be answered or not, and it is not for the Government to say so and to refuse to answer it.

Mr. PRESIDENT: I do not retract from what I have already said because there is really no rule which gives me power to compel a Member of Government to answer a question. But I am really at a loss to make out why this question should appear in to-day's paper: If it really involved a great amount of labour to answer it, I think it should have been answered later on.

Babu JITENDRALAL BANNERJEE: May I suggest one thing as a possible solution of the difficulty? The Hon'ble Member has just expressed his desire to abide by your ruling. Might not the question be referred to the Hon'ble Member again so that after such research and investigation as he likes to make, he may supply us with the information? We are not very particular about time; this may be answered a month hence.

Mr. PRESIDENT: I have no objection to that.

The Hon'ble Mr. A. N. MOBERLY: May I submit, Sir, it is not a question of time; it is a question of labour, and if you would give me an opportunity of explaining what the difficulties are, I shall be glad to take it.

The question is that a statement should be laid on the table showing district by district for the last ten years the number of suits instituted by landlords for khas possession owing to the transfer of entire occupancy holdings. In order to obtain this information it would be necessary to have registers for the last ten years in every munsif's court in Bengal examined, and a certain class of cases picked out. It is quite possible that the information would not be available from the registers without an examination of the records

of the cases themselves. What the value of the results of such examination would be I am not quite certain; but the amount of labour involved would be immense, and it would probably be costly to obtain it.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. Apart from the merits of the reply, is it not proper for Government, if the President has allowed a question and if they find there is any difficulty about it, to inform the President instead of sending a reply which amounts to a refusal to answer the question?

The Hon'ble Mr. A. N. MOBERLY: I am quite prepared to follow that course in future.

Srijut NAGENDRA NATH SEN: On a point of information. With reference to this question was any inquiry made at the time the Bengal Tenancy Act was under amendment?

Mr. PRESIDENT: You cannot put any supplementary question because the original question has not been answered. In regard to the point of order raised, I rule that in future the President shall be informed when an Hon'ble Member of Government finds it impossible to answer an admitted question, or is in a position to prove that practically it is an abuse of the right of questioning. I think that ought to satisfy the House.

Mr. JOGESH CHANDRA GUPTA: I expect that the reply will be laid before the House.

Babu JITENDRALAL BANNERJEE: The reply should be communicated to the member who asked the question.

Mr. PRESIDENT: You may leave that to the discretion of the President.

Fishermen of Bakarganj and Faridpur, alleged petition against zamindars.

2. Babu SURENDRA NATH BISWAS: (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether he is aware that a petition was submitted to the Government in May last signed by a number of fishermen of the districts of Faridpur and Bakarganj complaining against the oppressions of the zamindars?

(*b*) If so, what steps have been taken to redress their grievances?

(*c*) If no steps have been taken, will the Hon'ble Member be pleased to state whether Government are considering the desirability of taking any action in the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) No.

(*b*) and (*c*) Does not arise.

Maulvi ABUL KASEM: Has the Hon'ble Member in charge of the Department of Revenue made inquiries in his office as to whether a petition was received? If not, has he made inquiries to get the information?

The Hon'ble Sir PROVASH CHUNDER MITTER: It was answered in the negative after inquiry.

Maulvi ABUL KASEM: Am I to understand that no petition was submitted to Government?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing to add to the answer. The draft answer was submitted by office and after inquiry the answer was in the negative.

Ministerial and menial establishment under the Government of Bengal.

3. **Maulvi NURUL HUQ CHAUDHURI:** Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a statement showing—

(*i*) the proportion of non-ministerial officers in the various establishments under the Government as detailed in the Civil Budget Estimate held by each of the following classes and the amount and proportion of salaries, allowances and other remunerations received by each class during the financial year 1927-28 or the latest complete year for which the figures are available:—

(*a*) Hindus belonging to the Brahmins, Baidyas, and Kayasthas;

(*b*) Hindus belonging to Brahmo and Arya Samaj;

(*c*) Hindus belonging to other castes;

(*d*) Moslems; and

(*e*) others (excluding the Europeans and Anglo-Indians);

(ii) the proportion of ministerial officers (clerks) in the various establishments under the Government as detailed in the Civil Budget Estimate held by each of the following classes and the amount and proportion of salaries, allowances and other remunerations received by each class during the financial year 1927-28 or the latest complete year for which the figures are available:—

(a) Hindus belonging to the Brahmins, Baidyas, Kayasthas;

(b) Hindus belonging to Brahmo and Arya Samaj;

(c) Hindus belonging to other castes;

(d) Moslems;

(e) others (excluding the Europeans and Anglo-Indians); and

(iii) the proportion of servants in the various establishments under the Government as detailed in the Civil Budget Estimate held by each of the following classes and the amount of salaries, allowances and other remunerations received by each class during the financial year 1927-28 or the latest complete year for which the figures are available:—

(a) Hindus belonging to the Brahmins, Baidyas and Kayasthas;

(b) Hindus belonging to the Brahmo and Arya Samaj;

(c) Moslems; and

(d) others (excluding the Europeans and Anglo-Indians)?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): The collection of the required information would entail so much time, labour and expense that Government are not prepared to undertake the task.

Improvement of bustees and slums by the Calcutta Improvement Trust.

4. **Maulvi NURUL HUQ CHAUDHURI:** Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing—

(i) the total amount of revenue of the Calcutta Improvement Trust in each of the years from 1911 to 1928 both inclusive;

(*ii*) the amount and proportion of revenue spent by the Trust for the improvement of bustees and the construction of model bustees (or dwelling-houses for working class population) in each of the years from 1911 to 1928, both inclusive, and

(*iii*) the total area of bustees and slums cleared by the Trust since its creation and the number of bustee population (if not exactly at least approximately) displaced by the operation of the Trust since its creation?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (*i*) A statement is laid on the table.

(*ii*) A statement showing the amount spent by the Trust on re-housing schemes for the working class population is laid on the table.

The cost of other improvements carried out in bustees comprised in improvement schemes is included in the cost of those schemes. Separate figures are not available.

(*iii*) The information is not available.

Statement referred to in the reply to clause (i) of unstarred question No. 4 showing the revenue receipts of the Calcutta Improvement Trust.

The revenue receipts of the Trust were as follows:—

Year.		Rs.
1912*	...	1,50,000
1912-13	...	21,01,271
1913-14	...	26,99,955
1914-15	...	25,50,383
1915-16	...	28,51,332
1916-17	...	29,82,637
1917-18	...	27,28,582
1918-19	.	34,45,321
1919-20	...	39,95,650
1920-21	...	42,80,326
1921-22	...	35,66,560
1922-23	...	39,95,729
1923-24	...	42,45,857
1924-25	...	43,79,323
1925-26	...	45,66,123
1926-27	...	47,24,253
1927-28	...	48,80,276

*The Calcutta Improvement Act came into force on 2nd January 1912.

Statement referred to in the reply to clause (ii) of unstarred question No. 4 showing the amount spent by the Calcutta Improvement Trust on rehousing schemes.

Year.		Total Rs.
1912	...	.....
1912-13	...	58,016
1913-14	...	1,61,669
1914-15	...	24,161
1915-16	...	1,010
1916-17	...	.....
1917-18	...	.....
1918-19	...	.....
1919-20	...	.....
1920-21	...	2,39,871
1921-22	..	2,91,591
1922-23	...	25,537
1923-24	...	460
1924-25	...	2,304
1925-26	...	462
1926-27	...	417
1927-28	...	273
Total	...	8,05,771

Raw jute.

5. **Maulvi NURUL HUQ CHAUDHURI:** Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing—

(i) the total estimated produce of raw jute in each of the years 1914 to 1924 both inclusive;

(ii) the fluctuation of the retail price per maund of raw jute (that is the price at which the cultivators had to sell) from month to month in each of the aforesaid years; and

(iii) the average net profit per cent. on the capital invested in principal jute mills of Bengal (that is of a representative mill as called by the economists) in each of the aforesaid years?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (*i*) A statement is laid on the table.

(*ii*) This information is not readily available, and the time and labour involved in the compilation of the figures would not be commensurate with their value.

(*iii*) Government have no official information on this point, but the results of the working of the leading jute manufacturing companies are published regularly in the press, to which the member is referred.

Statement referred to in the reply to clause (i) of unstarred question No. 5 showing the yield of jute in Bengal (excluding Cooch Behar) during the years 1914 to 1924.

Year.	Yield (bales of 400 lbs.).
1914	... 9,308,000
1915	. 6,506,100
1916	... 7,429,900
1917	... 7,854,000
1918	... 6,348,800
1919	.. 7,567,800
1920	. . 5,247,000
1921	. . 3,595,000
1922	... 4,746,000
1923	... 7,463,000
1924	... 7,166,000

Sub-Deputy Magistrate of Sandwip.

6. **Mr. SATYENDRA CHANDRA GHOSH MAULIK:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state—

(*i*) whether the Sub-Deputy Magistrate of Sandwip once recently publicly stated in his court "There will be no conviction in any police case in my court;" and

(*ii*) whether in the following Crown cases not only the accused were acquitted, but severe strictures were passed on the police officers:—

(1) Nishi Kanta Dey *vs.* Abdul Gani Serang disposed on 29th July 1927;

(2) Jogendra Kumar Sen *vs.* Obidullah disposed on 23rd April 1928; and

(3) Nageswar Das *vs.* Abdul Majid?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what step, if any, the Government propose to take in the matter?

The Hon'ble Mr. A. N. MOBERLY: (*a*) (*i*) No.

(*ii*) The accused were acquitted and certain adverse remarks were passed by the Magistrate about the police. The District Magistrate has examined the records of the cases referred to and reports that the remarks were justified.

(*b*) Does not arise.

Timing of steamer service between Chittagong and Barisal.

7. Mr. SATYENDRA CHANDRA GHOSH MAULIK: (*a*) Is the Hon'ble Member in charge of the Marine Department aware that owing to a change of the time table from the 1st August last in the steamer service between Chittagong and Barisal, the mail and passengers from beyond Chittagong have to be detained for 22 hours at Chittagong?

(*b*) Is the Government aware that the change has involved considerable hardship to the people of the islands of Sandwip and Hatiya?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, the Government propose to take in the matter?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) and (*b*) The change in the timing which caused the delay of 22 hours was due to the shoaling of the channels between the islands of Hatiya and Sandwip. Owing to the danger of vessels grounding on these shoals at night during the monsoon, the Rivers Steam Navigation Company were forced to arrange an earlier departure from Chittagong to ensure a day-light passage over the dangerous area. The old timing was reverted to from the 16th December.

(*c*) Does not arise.

Names of persons giving evidence before the Simon Commission.

8. Babu AMARENDRA NATH GHOSE: Is the Hon'ble Member in charge of the Appointment Department aware of the names of the gentlemen who have been summoned to give, or have given, evidence or submitted memoranda before the Simon Commission from Bengal?

The Hon'ble Mr. A. N. MOBERLY: Apart from the information given in newspapers, the Hon'ble Member has received no information of the names of gentlemen who have been summoned to give or have given evidence or submitted memoranda before the Commission, other than those of official witnesses.

Santragachi-Bistoopur Chord Project of Railway.

9. Srijut TARAKNATH MUKERJEA: Will the Hon'ble Member in charge of the Department of Public Works (Railways) be pleased to state—

(*i*) what further progress has been made to give effect to the project of the Santragachi-Bistoopur Chord line of the Bengal-Nagpur Railway which had been sanctioned long ago; and

(*ii*) when the work is expected to be taken up in hand?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS (RAILWAYS) (the Hon'ble Mr. A. Marr): (*i*) The project has not yet been sanctioned. The question of the progress made with it therefore does not arise.

(*ii*) Further consideration of the project has been deferred, and it is not known when it is likely to be taken up again.

Secretaries of Bengal Secretariat Departments.

10. Mr. A. F. RAHMAN: Will the Hon'ble Member in charge of the Appointment Department be pleased to state—

(*i*) the present scale of pay of each Secretary of the Bengal Secretariat Departments;

(*ii*) the reasons of differentiation, if any, in the scale?

The Hon'ble Mr. A. N. MOBERLY: (*i*) Statement laid on the table.

(*ii*) The only cases of differentiation are those of the Chief Secretary to Government, the Secretary to Government in the Judicial Department, and the Secretary to Government in the Legislative Department.

The pay of the Chief Secretary to Government corresponds with that of the Chief Secretaries to Government in the Presidencies of Madras and Bombay, and is higher than that of the other Secretaries to Government, in view of his status and responsibilities.

The Judicial Secretary to Government (who is also the Legal Remembrancer) receives the same pay as the other Secretaries to

Government (the Chief Secretary and Secretary to Government in the Legislative Department excepted), provided that when he is in the selection grade of District and Sessions Judges or is acting in it, he receives the pay of the selection grade. This provision is necessary so that Government may have a free hand in the choice of the best officers for the post and may not be debarred from utilising the services of a suitable officer owing to the fact that he is in the selection grade.

The post of Secretary to Government in the Legislative Department and Secretary to the Bengal Legislative Council is filled by an officer of the Judicial Branch of the Indian Civil Service. He receives his grade pay in the superior time-scale of the Indian Civil Service, subject to a maximum of Rs. 2,500 per mensem, including overseas pay *plus* Rs. 200 special pay as compensation for the high cost of living in Calcutta *plus* Rs. 150 as personal pay in lieu of the judicial pay which he would otherwise draw as a District and Sessions Judge. In view of possible future developments, the post has not yet been included in the regular cadre of Secretaries to Government, and hence the pay has not been assimilated to that of the Secretaries, other than the Chief Secretary and the Judicial Secretary.

Statement referred to in the reply to clause (i) of unstarred question No. 10 showing the pay of the Secretaries to the Government of Bengal.

1. Chief Secretary to the Government of Bengal Pay Rs. 3,750.

2. Secretary to the Government of Bengal, Finance, Commerce and Marine Departments Pay Rs. 2,750.

3. Secretary to the Government of Bengal, Revenue and Irrigation Departments- Pay Rs. 2,750.

4. Secretary to the Government of Bengal, Local Self-Government Department—Pay Rs. 2,750.

5. Secretary to the Government of Bengal, Agriculture and Industries Department and Public Works Department -Pay Rs. 2,750.

6. Secretary to the Government of Bengal, Education Department—Pay Rs. 2,750.

7. Secretary to the Government of Bengal, Judicial Department—Pay Rs. 2,750 or Rs. 3,000 if he acts in the selection grade of Judges.

8. Secretary to the Government of Bengal in the Legislative Department and Secretary to Government in the Legislative Council—Draws pay on the superior time-scale subject to a maximum of Rs. 2,500, including overseas pay, *plus* Rs. 200 as special pay *plus* personal pay of Rs. 150.

Alaipur Khal.

11. Maulvi SHAMSUR-RAHMAN: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state the present stage of the scheme for the excavation of the Alaipur Khal in Khulna?

(*b*) Will the Hon'ble Member be pleased to state why no money was provided for this year for taking up the excavation work although the Hon'ble Member was pleased to state during the last budget discussion that provision would be made for the same?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) The scheme is ready and awaits funds.

(*b*) The member is referred to my budget speech at the March session of the Bengal Legislative Council, 1928, in which it was stated that owing to financial stringency it was not possible to provide funds for the work.

Expenditure for irrigation in Dinajpur, Jalpaiguri and Rangpur districts.

12. Maulvi KASIRUDDIN AHAMAD: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state the amount of money spent during the last ten years for irrigation purposes in each of the districts of Rangpur, Dinajpur and Jalpaiguri?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state why no money has been spent?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) No money has been spent in the districts named.

(*b*) Owing to paucity of staff in the Irrigation Department.

Seniority of ministerial officers.

13. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state whether the detention of a ministerial officer in the efficiency bar under a clear order to the effect is a disqualification for seniority to other ministerial officers on the same grade pay in an office but crossing the efficiency bar before?

(b) Is it a fact that under circumstances of transfer or on consideration of the actual amount of pay on transfer or otherwise, a ministerial officer in whose case the question of crossing the efficiency bar does not technically or formally arise in a department, is senior to those on the same grade of pay who cross the efficiency bar after his joining the department?

(c) Is it a fact that the length of Government service is calculated from the date of first confirmation in the permanent Government employment?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. A. Marr): (a), (b) and (c) Reference is invited to the answer given in August, 1927, to starred question No. 9, where the general principles relating to seniority in service were stated.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. May I submit for your consideration that the answer then given by the Hon'ble Member is quite different from the question now put. He has referred to certain general principles, and I want to know how does he apply those general principles, which he has laid down in the answer in particular cases. He has not answered that.

Mr. PRESIDENT: I think it is not permissible under the rules to allow a member to criticise the reply given to a question, at the time of interpellation, but if he finds that an answer is unsatisfactory the only course left open to him is to put supplementary questions and elicit informations relevant to the main question.

Babu JITENDRALAL BANNERJEE: Sir, in the particular cases that course is not left open to me as the Hon'ble Member's answer is not to the point. You will find that what has been asked is something about a particular question but the answer only enunciates general principles.

Mr. PRESIDENT: I have already given my ruling that you cannot at this stage criticise an answer given to a question and I do not agree with you when you say that in the present case your remedy does not lie in supplementary questions.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to state how does he propose to apply these general principles in particular cases?

The Hon'ble Mr. A. MARR: As far as I see the whole question is hypothetical, and, therefore, my reply was that general principles are laid down for such hypothetical cases. If Mr. Bannerjee can give me a particular case, I shall certainly look into it.

District Chaukidari Clerk.

14. Srijut TARAKNATH MUKERJEA: (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to state whether it is a fact that under rule 143 of the Union Board Manual, Volume II, there shall be in every district office a clerk in charge of all correspondence in that department and the clerk should be called District Chaukidari Clerk?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether Government contemplates making the post a higher graded one?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*) No.

Re-excavation of the Saraswati and Kana Nadi.

15. Srijut TARAKNATH MUKERJEA: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state what further steps have been taken for the re-excavation of the Saraswati river and Kana Nadi in the districts of Hooghly and Howrah?

(*b*) How much money has been allotted this year (1928-29) for the re-excavation of each of these two rivers?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) A rough scheme for improving the northern portion of the Saraswati and the lower reaches of the Kana Nadi has been prepared but has been referred back for fuller details.

(*b*) No money has been allotted this year.

The Bengal (Rural) Primary Education Bill.

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): I was asked by this House to present the report of the Select Committee appointed for the consideration of the Primary Education Bill by the 1st of December, 1928. There was no session of the Council before to-day and for various other reasons, which are known to almost all the members of this House, we could not finish the deliberations of the Select Committee before the 25th of last month. We hope that before the end of this session we will be able to submit our report on the Bill, and it will be taken into consideration afterwards.

3-45 p.m.

Report of the Bengal Legislative Committee on Public Accounts on Appropriation Accounts for 1926-27.

The Hon'ble Mr. A. MARR: I beg to present the report of the Bengal Legislative Committee on Public Accounts on the Appropriation Accounts for the year 1926-27.

Babu MANMATHA NATH ROY: May I rise to a point of order, Sir? May I know if a discussion can take place on the report at this stage?

Mr. PRESIDENT: Hitherto the practice in this Council has been simply to present the report and take it as accepted by the Council. But if I am to give my personal opinion on the subject, I must say that the House should be given an opportunity to discuss the report. In the present case, I will give Mr. Roy, and for the matter of that any member, an opportunity to discuss the report when Mr. Roy's amendment is moved and also in the course of the Budget discussion.

Mr. JOGESH CHANDRA GUPTA: In that case—if no discussion is allowed on the report—would it not be better to send this report by post to the President as has been done with regard to the members?

Babu MANMATHA NATH ROY: There is one amendment with regard to a particular matter in the report, that I have tabled. Is it open to a member when speaking on that amendment or bringing forward that amendment to refer to other matters arising out of the report?

Mr. PRESIDENT: When the amendment of Mr. Manmatha Nath Roy is before the House I will allow members to discuss the report generally.

Excess Grant.

46—Stationery and Printing.

The Hon'ble Mr. A. MARR: With your permission, Sir, before I make this actual demand, I should like to repeat what I said last year as regards the procedure about these excess grants. After the Budget year is finished, accounts are made up by the Accountant-General, and if he finds that any grant in the Budget has been exceeded, he brings the fact to the notice of Government and it is the duty, one of the principal duties, of the Committee on Public Accounts to

inquire into those excesses and satisfy itself of the causes of the excesses before making its report. That report is then laid before this Council and the Council is then asked to vote the excess grants. In doing so, the Council generally accepts the Committee's recommendations. This is the usual procedure and is the procedure in the House of Commons also.

On the recommendation of His Excellency the Governor, I beg to move that an excess grant of Rs. 1,042 be voted to regularise the expenditure actually incurred in excess of the voted grant in the year 1926-27 under the major head "46—Stationery and Printing."

The explanation about this excess will be found on page 5 of the proceedings of the second meeting of the Public Accounts Committee, second paragraph. The excess, it was explained, was not a real excess; but it was due to the method of classification of the value of the printing work done for the Government of India. The cost of work done in 1925-26, amounting to over Rs. 10,000, instead of being adjusted as deduct expenditure as was anticipated when the Budget was framed, was adjusted as a receipt. The Committee, after discussion, accepted the explanation contained on pages 171 and 172 of the Appropriation Report and in the further information supplied to it and recommended the Legislative Council to vote the excess expenditure.

I may remind the members of the House that I went into this question of new procedure in my speech last year at the time of presenting the Budget for 1928-29. This new procedure, if you will remember, is to show the recoveries for certain work done for other Governments and bodies on the revenue side instead of showing them, as in previous years, as deduct entries on the expenditure side. This gave rise to certain excess last year and this will probably happen again next year. The Committee on Public Accounts was thoroughly satisfied with this explanation and recommended that this small excess be granted. I may mention that the total grant was for Rs. 17,82,000 and the expenditure was Rs. 17,83,042; so there was a small excess of a little over Rs. 1,000 only in a budget of nearly Rs. 18 lakhs and as I said the excess was due merely to accounting.

Babu MANMATHA NATH ROY: I beg to move that the demand for excess grant of Rs. 1,042 be reduced by Re. 1.

I sent notice of this amendment only to draw the attention of the House to what I believe, and many others in this House also believe, is a criminal waste of public money amounting to about one and a half crores of rupees. I refer to pages 27-28 of the report. It will appear from those pages——

The Hon'ble Mr. A. MARR: On a point of order. Does this arise on the present motion under head "46—Stationery and Printing"?

Babu MANMATHA NATH ROY: The President's ruling was that it would be open to any member when any amendment is moved to speak on other questions that may arise out of the report.

Mr. PRESIDENT: My ruling was that having regard to the fact that the Council should be given an opportunity to discuss the report which has been presented by the Hon'ble Mr. Marr, members would be allowed to discuss any part of the same while speaking on the amendment now before the House. In accordance with that ruling the member is entitled to speak on any point which may arise out of the report as a whole.

The Hon'ble Mr. A. MARR: Under these circumstances I have no objection.

Babu MANMATHA NATH ROY: It appears that three dredgers were purchased at a cost of about Rs. 1½ crores although we find from the report that the scheme with regard to one dredger had not matured at the time when the expenditure was incurred with regard to it, and other schemes with regard to the other two dredgers had to be abandoned for lack of funds. We do not know what happened behind the scene; we do not know why, although one scheme had not matured and the Government knew that the other two schemes could not be carried through for lack of funds, this expenditure to the extent of Rs. 1½ crores had been incurred. Can there be an instance of more glaring and more criminal waste of huge amount of public money when Government is not in a position, as the Hon'ble Minister in charge of the Local Self-Government Department tells us, to provide adequate funds required for the public health organisations and other pressing needs in the villages? It is a matter worth enquiring, but not in the slipshod fashion in which the committee has done it, in order to find what happened behind the scene.

We find that these dredgers have remained idle for a very considerable time and we also find from the report that more than Rs. 9 lakhs were spent for maintenance of these dredgers. Although the Government do not know on what schemes these might be utilised yet they are not prepared to dispose of these dredgers. It also appears from page 28 that the Government gave an undertaking that at least one of the dredgers would be disposed of early. We do not know what has happened since then. These are matters which we cannot but deplore.

The Hon'ble Mr. A. MARR: I would just like to make one or two remarks about Babu Manmatha Nath Roy's observations. I think it is a pity that he did not warn the Irrigation Department that this question was going to be brought forward.

He speaks of an undertaking to dispose of one of the dredgers. The Public Accounts Committee gave no such undertaking. We only made a recommendation and that recommendation will be considered by Government; the Committee could not give an undertaking to dispose of one of the dredgers.

Dr. BIDHAN CHANDRA ROY: You are the Government, Mr. Marr.

The Hon'ble Mr. A. MARR: Babu Manmatha Nath Roy also spoke of the slipshod manner in which the Committee had dealt with the matter. I am rather surprised that none of the members of the Committee took exception to that expression. However, I am glad that the report of the Committee has come under discussion and I think it ought to come under discussion in future and that a special opportunity should be given to discuss this report independent of any motion for an excess grant. As regards the present motion for an excess grant, I would ask Babu Manmatha Nath Roy to withdraw his amendment, otherwise we cannot balance our figures.

Babu MANMATHA NATH ROY: I do not want to press my amendment. I wanted simply to raise this question in order to draw the attention of the House and the public to what I consider to be a public scandal.

The motion of Babu Manmatha Nath Roy was then, by leave of the Council, withdrawn.

The following motion was then put and agreed to:—

"That an excess grant of Rs. 1,042 be voted to regularise the expenditure actually incurred in excess of the voted grant in the year 1926-27 under the major head '46 Stationery and Printing.'"

[At 4 p.m. the Council was adjourned and it reassembled at 4-10 p.m.]

DEMAND FOR GRANT.

43—Famine Relief.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 50,001 be granted for expenditure under the head "43 Famine Relief."

A memorandum has been circulated to all members of this House containing the particulars of this demand. From that it will be seen that the amount of expenditure allotted under this head is

Rs. 3,49,000 already. Owing to distress that continues to prevail in certain parts of the Presidency, it will be necessary to incur more expenditure and so Rs. 4 lakhs in all are required. The assent of the Council is sought to this supplementary grant under this head to meet this expenditure.

The motion was then put and agreed to.

GOVERNMENT BILLS.

The Bengal State Aid to Industries Bill, 1928.

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Mr. President, Sir, I beg to move that the Bengal State Aid to Industries Bill, 1928, be referred to a Select Committee consisting of Maharaj Kumar Sris Chandra Nandy, Babu Naliniranjan Sarker, Khan Bahadur Maulvi Azizul Haque, Mr. Satish Chandra Sen, Mr. A. K. Fazl-ul Huq, Babu Saral Kumar Dutt, Mr. Razaur Rahman Khan, Mr. W. C. Wordsworth, Mr. G. P. Hogg, and myself, with instruction to submit their report in time for its consideration at the next session; and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

I have received replies from all these persons to say they are willing to serve on the Select Committee except from Mr. Fazl-ul Huq. I would, therefore, ask you kindly to omit his name from the motion when putting it to the House.

Sir, when introducing this Bill in this Council in August last my hon'ble colleague, who was then in charge of the Industries Department, explained briefly its scope and its objects. It is, therefore, unnecessary for me to speak at length on the provisions of the Bill. But I take this opportunity of saying that I am in full agreement with my hon'ble colleague in this matter. None will deny that home or cottage industries should develop side by side along with the larger industries of the province. This is particularly desirable in Bengal where we have several industries already well established, while others are still struggling upwards. I allude to such industries as the bone-button industry, the conch-shell industry, the lace-and-embroidery industry, and a number of others which are well known to the members of this Council. Some of our larger industries are already a source of affluence to their owners: others, though useful, are not yet established and require careful nursing. In India, and in Bengal especially, many such industries flourished in the past, but they have fallen back owing, in some cases, to the keen competition of foreign power industries. I might mention as an illustration the silk industry of Bengal which at the present moment is passing under a shadow

owing to the fierce competition from foreign sources. It would be deplorable to permit such an industry to die out in Bengal for want of a little monetary help. These smaller industries are indigenous to the land. They afford to the people of our province ready means of employment, and, if properly encouraged, they are likely to increase the prosperity of our province and its inhabitants in the near future.

To give this necessary help and assistance the Bengal State Aid to Industries Bill has been drafted. By the means afforded in this Bill, State aid will be given to such industries in the form of loans or grants, payable in most cases within a certain period with the usual safeguards necessary.

The Board provided for in the Bill is intended to advise Government on all applications that are made for State assistance. This body will be independent and free, it is hoped, from outside influences. I would further point out that it is not intended that the activities of the Board should extend to those great industries which are already established in Bengal. It is very desirable to make this clear, because there has, I think, been some misunderstanding on this point in certain quarters.

I feel sure that the principle underlying this Bill will appeal strongly to all sections of the Council. I agree that there may be differences of opinion regarding the procedure to be adopted and the powers allotted to the Board. But these are matters which will be thrashed out in the Select Committee; and I need hardly say that those of us who have promoted this Bill will be only too ready to receive all suggestions by which it may be improved and its scope enlarged in order to achieve the object with which the Bill has been framed. I trust therefore that the House will accept my motion, if for no other reason than that it will help to revive the old and historic industries of Bengal and enable them to return to their old-time prosperity—strong and independent—and in this way lessen unemployment in Bengal.

With these words, I beg to place my motion before the House, and I invite the co-operation of all who are interested in furthering the indusfrial prosperity of our province.

The following motion was called, but not moved:—

Srijut RADHA GOBINDA RAY to move that after the name of "Mr. G. P. Hogg," the following names be inserted, namely:—

Srijut Bijay Kumar Chatterjee.

Babu Promotha Nath Bannerjee.

Babu Jitendralal Bannerjee.

Srijut Radha Gobinda Ray.

Babu Khagendra Nath Ganguly.

Babu MANMATHA NATH ROY: Sir, in the absence of Babu Amarendra Nath Ghose, with your permission, I beg to move the motion standing in his name. I have his permission.

Mr. PRESIDENT: Since you assure me that you have taken the member's permission, you have my permission to move it.

Babu MANMATHA NATH ROY: I beg to move that after the name of "Mr. G. P. Hogg" the following names be inserted, namely:—

Dr. Bidhan Chandra Roy;

Mr. Jogesh Chandra Gupta;

Babu Amarendra Nath Ghose.

The following motion was called, but not moved:—

Mr. H. S. SUHRAWARDY to move that after the name of "Mr. G. P. Hogg" the name of "Mr. Jogesh Chandra Gupta" be inserted.

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I accept the motion moved by Babu Manmatha Nath Roy.

Mr. PRESIDENT: All the same I shall have to put the motion before the House.

The motion of Babu Manmatha Nath Roy was then put and agreed to.

The following motion was then put and a division called for:—

"That the Bengal State Aid to Industries Bill, 1928, be referred to a Select Committee consisting of the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, Maharaj Kumar Sris Chandra Nandy, Babu Naliniranjan Sarker, Khan Bahadur Maulvi Azizul Haque, Mr. Satish Chandra Sen, Babu Saral Kumar Dutt, Mr. Razaur Rahman Khan, Mr. W. C. Wordsworth, Mr. G. P. Hogg, Dr. Bidhan Chandra Roy, Mr. Jogesh Chandra Gupta and Babu Amarendra Nath Ghose with instruction to submit their report in time for its consideration at the next session; and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

Mr. PRESIDENT: It has been reported to me that Babu Naliniranjan Sarker called for this division under a misapprehension. He thought that the motion standing in the name of Mr. Kiran Sankar Roy would not be taken up, but I may say that this would be taken up later.

The division was taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. N.
Ghose, Mr. M. C.
Gilchrist, Mr. R. N.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Jenkins, Dr. W. A.
Khan, Maulvi Tamizuddin.
Laird, Mr. R. B.
Lamb, Mr. T.
Marr, the Hon'ble Mr. A.
Mitter, Rai Bahadur Manmatha Nath.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. H.
Philip, Mr. J. Y.
Philpot, Mr. H. C. V.
Prentice, Mr. W. D. R.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Roy Chaudhuri, Mr. K. C.
Rose, Mr. G. F.
Roy, Mr. Bijoy Prasad Singh.
Sarker, Rai Sahib Rohati Mohan.
Sinha, the Hon'ble Raja Bahadur Bhupendra Narayan.
Stapleton, Mr. H. E.
Tate, Major General Godfrey.
Thomas, Mr. N. W.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

NOES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Ahamad, Maulvi Asimuddin.
Atiaullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prometha Nath.
Bannerjee, Babu Jitendralal.
Bose, Babu Bejay Krishna.
Chakraburtty, Babu Jatindra Nath.
Chakravarti, Babu Jogindra Chandra.
Chatterjee, Srijut Bijay Kumar.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Habibullah, Nawab Khwaja.
Hoque, Kazi Emdadul.
Karim, Maulvi Abdul.
Lala, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
McGlushie, Mr. E. T.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Ram Chandra.
Pal Choudhuri, Mr. Ranjit
Poddar, Mr. Ananda Mohan.
Rahman, Maulvi Shamsur-
Rauf, Maulvi Syed Abdur.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Ray, Babu Manmatha Nath.
Ray, Dr. Sidhan Chandra.
Ray, Mr. D. N.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Suhrawardy, Mr. H. S.

The Ayes being 41 and the Noes 42, the motion was lost.

4-30 p.m.

Mr. PRESIDENT: The following motion of Mr. K. S. Roy does not arise:—

"**Mr. KIRAN SANKAR ROY** to move that in the instruction to the Select Committee after the word 'session' in line 8 of motion No. 6 the following words be inserted, namely:—

'and that the Committee for this purpose do take into their consideration the proposals contained in the Bengal Industrial Development Bill, 1928, by Babu Naliniranjan Sarker, in particular, section 5 relating to pioneer industries and demonstration factories, with a view to incorporating them in the Bill.'"

The Calcutta Suburban Police (Amendment) Bill, 1929.

The Hon'ble Mr. A. N. MOBERLY: I beg to introduce a Bill further to amend the Calcutta Suburban Police Act, 1866.

The Secretary then read the title of the Bill.

The Hon'ble Mr. A. N. MOBERLY: I beg to move that the Calcutta Suburban Police (Amendment) Bill, 1929, be taken into consideration. This is merely a formal Bill intended to fill a gap in the law. There are provisions in the Police Act of 1861 and the Calcutta Police Act of 1866 to provide for the disposal by the police of unclaimed properties, but neither of these Acts is in force in the suburbs of Calcutta. The single amending clause of the Bill under consideration is reproduced verbatim from the Calcutta Police Act, 1866. I may mention that the question of the introduction of this Bill was considered by the Police Standing Committee of this Council and that the members unanimously approved of its introduction. I do not think that I need enlarge upon the subject. The Bill is purely formal and I cannot see that any exception can be taken to it. I therefore move that the Bill be taken into consideration.

Babu BEJOY KRISHNA BOSE: May I ask the Hon'ble Mr. Moberly one question and it is this—What was the necessity of taking verbatim these two sections which are sections 100 and 101 of the Police Acts of 1861 and 1866 when we could carry on quite well from 1861-66 down to 1929 without these provisions for the suburbs?

The Hon'ble Mr. A. N. MOBERLY: Because a case arose in which the legality of the action of the Commissioner of Police in a specific case was challenged.

The following amendment was not moved:—

"**Srijut TARAKNATH MUKERJEA** to move, by way of amendment, to the motion of the Hon'ble Mr. A. N. Moberly, that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th April, 1929."

The motion of the Hon'ble Mr. A. N. Moberly was then put and agreed to.

The Hon'ble Mr. A. N. MOBERLY: I beg to move that the Calcutta Suburban Police (Amendment) Bill, 1929, be passed. I do not think it is necessary for me to waste the time of the Council by adding anything to what I have already said.

The motion was then put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m. on Thursday, the 7th February 1929, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 7th February, 1929, at 3 p.m.

Present:

The Hon'ble the President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 110 nominated and elected members.

Oath.

The following member made an oath of his allegiance to the Crown:—

Mr. E. C. ORMOND.

Starred Questions

(to which oral answers were given).

Bengal Tenancy (Amendment) Act.

*11. **Babu JITENDRALAL BANNERJEE:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether the Bengal Tenancy (Amendment) Act recently passed by the Legislative Council has received the assent of His Excellency the Governor and of His Excellency the Viceroy and Governor-General?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state when the Act will be published in the *Gazette* so that it may come into operation?

(*c*) What is the cause of the delay in the publication of the said Act?

MEMBER in charge of DEPARTMENT of REVENUE (LAND REVENUE) (the Hon'ble Sir Provash Chunder Mitter): (*a*) Yes.

(*b*) The Act will be published shortly.

(*c*) Time was required partly for obtaining assent and partly for preparing rules under the Act.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to give us an approximate idea of the date within which this Act is likely to be published?

The Hon'ble Sir PROVASH CHUNDER MITTER: Since the answer was framed, we have decided to publish the Act, very likely on the 21st February, at any rate in the third week of February.

Drainage facilities in Bil route.

*12. **Babu SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that the water-level of thousands of acres of culturable lands to the north of Bil route become abnormally high during the rains?

(*b*) Is the Hon'ble Member aware that the above condition is due to overflood caused by obstruction of free passage of water towards the south?

(*c*) Is the Hon'ble Member aware that such obstruction is caused by insufficiency of locks and sluices on the embankment on the south bank of the Bil route?

(*d*) Is the Hon'ble Member aware that crops of thousands of acres of land become damaged by the said flood every year?

(*e*) Is the Hon'ble Member aware that the cultivators attempt to cut off the embankment on the south bank every year to save their crops?

(*f*) Is the Hon'ble Member also aware that police is posted every year to prevent the cultivators from cutting the embankment?

(*g*) Is the Hon'ble Member aware that the cultivators who attempt to cut off the embankment are arrested by the police stationed there?

(*h*) Are the Government considering the desirability of constructing a sufficiently large number of locks and sluices on the southern embankment to enable the flood water pass in greater volume towards the south?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): (*a*) and (*b*) No: the gauge readings do not show that the levels in the northern Bil at the present day rule higher than they did before the training works were constructed.

(*c*) Regulation of the sluices was altered about three years ago, so that they discharge much more water than previously.

(*d*) No.

(*e*) No cuts or attempts to cut the embankment have been made during the last three years.

(*f*) Yes.

(*g*) Yes, if they are caught.

(*h*) The drainage facilities under the present method of regulation appear to suffice.

Prostitution in periodical fairs and melas in Rangpur.

***13. Babu JATINDRA NATH CHAKRABURTTY:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether the Government is aware that periodical fairs or *melas* are held at Bamandanga, Naldanga, Kumarpara, Fulchhari, Badarganj, Dewti, Shib-bari, Sundarganj and Belka in the district of Rangpur?

(*b*) Is it a fact that prostitutes are allowed to carry on their trade in these fairs or *melas* almost openly in temporary shelters erected for the occasion?

(*c*) If the answer to (*b*) is in the affirmative, what steps, if any, do the Government intend to take in the interest of public health and morals?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*), (*b*) and (*c*) The member is referred to the reply given to unstarred question No. 28 asked at the meeting of this Council held on 22nd February, 1927, a copy of which will be found on the question paper (reproduced below). Government do not think it necessary to make any special inquiries with reference to the places mentioned in the question.

Copy of the reply to Unstarred Question No. 28 of the 22nd February, 1927, referred to in the reply to Starred Question No. 13.

" Prostitution in periodical fairs.

Rai JADUNATH MAZUMDAR Bahadur: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether the Government is aware that periodical fairs are held in many parts of Bengal?

(*b*) Is it a fact that prostitutes are allowed to carry on their trade in many of those fairs almost openly in temporary shelters erected for the occasion?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of taking any steps to prevent such practices in the interest of public health and morality?

The Hon'ble Mr. A. N. MOBERLY: (a) Yes.

(b) I believe it is a fact that prostitution is practised in temporary shelters at many fairs.

(c) The reply is in the negative. There are serious practical difficulties in the way of dealing with this evil, and Government believe that the Council recognised this fact by rejecting two private Bills for the suppression of brothels in fairs in 1923 and 1926."

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Member be pleased to state what are the serious and practical difficulties in the way of dealing with this evil, referred to in reply to question (c)?

The Hon'ble Mr. A. N. MOBERLY: The question has not been examined.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Member be pleased to examine the question?

The Hon'ble Mr. A. N. MOBERLY: I submit, Sir, that this is a request for action.

Circular by the District Judge of Rangpur regarding serving of notices on judgment-debtors.

*14. **Babu JATINDRA NATH CHAKRABURTTY:** (a) Is the Hon'ble Member in charge of the Judicial Department aware that the District Judge of Rangpur has issued a circular, directing the decree-holders of rent suits to serve notices on judgment-debtors under order 21, rule 66 of the Civil Procedure Code, in execution of the rent decrees?

(b) Is the Hon'ble Member aware that such notice is not contemplated by any section of the Bengal Tenancy Act?

(c) Will the Hon'ble Member be pleased to state whether the District Judge has any power or authority to issue any such circular?

(d) If not, are the Government contemplating requesting the District Judge of Rangpur to withdraw the circular?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) In consequence of a reference made to him by a Munsif in 1927, the District Judge inquired as to the procedure followed in the various courts in the district and found that there were differences in practice. He, therefore, recorded his own observations on the subject and sent replies to all the courts under him in accordance therewith.

(*b*) Government are advised that such a notice was then contemplated by section 163 of the Bengal Tenancy Act.

(*c*) and (*d*) Government see no objection to the action taken by the District Judge.

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: Will the Hon'ble Member be pleased to refer to section 163 of the Bengal Tenancy Act, which does not contemplate any notice whatsoever?

The Hon'ble Mr. A. N. MOBERLY: I have nothing to add to my previous answer.

Mr. JOGESH CHANDRA GUPTA: Having regard to the fact that section 163 of the Bengal Tenancy Act does not contemplate any notice, is the Hon'ble Member prepared to modify his answer?

The Hon'ble Mr. A. N. MOBERLY: No, Sir.

Procedure for recording statements by investigating Police officers.

***15. Babu JATINDRA NATH CHAKRABURTTY:** (*a*) Is the Hon'ble Member in charge of the Police Department aware of the issue of the following circular by the Superintendent of Police, Rangpur, to all Inspectors and Sub-Inspectors of Police under him:—

"*Conference held at Darjeeling on the 10th, 11th, 12th May, 1926*: Question of the utility of recording statements by investigating Police officers, under section 161 of the Criminal Procedure Code, discussed. The majority of members were of opinion that recording of statements by investigating Police officers should be abolished, as such statements do not help the prosecution in any way. But these statements are made use of by the accused for the benefit of his defence during trial."

(*b*) Will the Hon'ble Member be pleased to lay on the table a copy of the said circular?

(*c*) Will the Hon'ble Member be pleased to state whether the circular was issued with the approval of the Government?

(d) Are the investigations by the police in the District of Rangpur being conducted according to the directions of this circular?

(e) In what other districts has the circular been given effect to?

(f) If the circular had not the approval of Government, what action do they intend to take in the matter of its issue?

(g) Is it a fact that the circular was issued as the result of a conference held at Darjeeling?

(h) If so, who were the members of that conference?

The Hon'ble Mr. A. N. MOBERLY: (a), (b) and (g) Government are informed that the following extract from the minutes of a conference of Police officers of Rajshahi Range held at Darjeeling in May, 1926, was forwarded by the Superintendent of Police, Rangpur, to all Inspectors and Sub-Inspectors in his district for information only:—

"The question of the utility of recording statements under section 161, Criminal Procedure Code, in the course of investigation was also discussed and the majority of the members of the conference were in favour of abolishing such statements altogether, as they serve no useful purpose for the prosecution and can be used in court only for the benefit of the defence."

No orders were issued to discontinue the existing practice.

(c) The extract was forwarded without reference to Government.

(d) and (e) Investigating officers in all districts, including Rangpur, are guided by the instructions contained in rule 243, Police Regulations, Bengal, 1927, Volume I.

(f) Government do not think that any action is necessary.

(h) The Deputy Inspectors-General of Police, Rajshahi and Criminal Investigation Department, the Superintendents of Police of the Rajshahi Range (except the Superintendent of Police, Pabna), Purnea and Cooch Behar, the Principal, Police Training College, Sardah, the Crime Assistant to the Deputy Inspector-General of Police, C. I. D., Bihar and Orissa, the Additional Superintendent of Police, Darjeeling, and the Deputy Superintendent of Police, Kishenganj.

Babu AKHIL CHANDRA DATTA: Are the Government aware that this circular is absolutely inconsistent with the spirit of the provisions of the Criminal Procedure Code?

Mr. PRESIDENT: I do not allow that question.

Babu AKHIL CHANDRA DATTA: Have the Government enquired if this circular is consistent with the provisions of the Criminal Procedure Code?

The Hon'ble Mr. A. N. MOBERLY: No, Sir. As I have already pointed out, the orders under which investigation is carried on are contained in the Police Regulations, Bengal.

Babu AKHIL CHANDRA DATTA: Do the Government approve of this portion of the circular, namely, "The majority of members were of opinion that recording of statements by investigating police officers should be abolished, as such statements do not help the prosecution in any way. But these statements are made use of by the accused for the benefit of the accused during trial?"

The Hon'ble Mr. A. N. MOBERLY: I think that is a request for an opinion.

Mr. PRESIDENT: I agree.

Babu AKHIL CHANDRA DATTA: Are the Government aware that not infrequently numerous cases, even murder cases, have failed on account of disclosures made by the statements recorded by police officers under section 161 of the Criminal Procedure Code?

The Hon'ble Mr. A. N. MOBERLY: If the member will give me a specific case, I will try to find out.

Babu AKHIL CHANDRA DATTA: Will the Hon'ble Member be pleased to state if the Government are prepared to take the opinion of the Advocate-General as to whether this circular is consistent with the law?

The Hon'ble Mr. A. N. MOBERLY: No, Sir.

Babu BEJOY KRISHNA BOSE: With reference to answers (*d*) and (*e*), have the Government any information whether after the issue of that circular by the Superintendent of Police, the subordinate officers -Inspectors and Sub-Inspectors have discontinued recording statements under section 161?

The Hon'ble Mr. A. N. MOBERLY: No, Sir.

Babu BEJOY KRISHNA BOSE: Will the Government kindly make inquiries on this subject?

The Hon'ble Mr. A. N. MOBERLY: That is a request for action, Sir.

Mr. JOGESH CHANDRA GUPTA: In obtaining the opinion of the Advocate-General, have the Government to pay?

(No reply.)

Detenus or interned.

*16. **Babu MANMATHA NATH ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the number;

(*ii*) the names, and

(*iii*) the place of detention or internment

of the persons who were under detention or internment on political grounds on the 1st January, 1929?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): No persons were under detention or interned under orders of the Government of Bengal on the 1st January, 1929.

Bengal Tenancy (Amendment) Act.

*17. **Babu MANMATHA NATH ROY:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state when the Bengal Tenancy (Amendment) Bill, which was passed by the Bengal Legislative Council in September, 1928, will be brought into operation?

(*b*) Will the Hon'ble Member be pleased to state the reasons for the delay?

(*c*) Will the Hon'ble Member be pleased to state whether it is in the contemplation of Government to introduce another Bill to amend the provisions of the Bengal Tenancy Act?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) The Act will be published shortly.

(*b*) Time was required partly for obtaining the assent of His Excellency the Governor and of His Excellency the Viceroy and Governor-General and partly for preparing rules under the Act.

(*c*) The introduction of a Bill to remove certain drafting and minor defects is under the consideration of Government.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state the nature of the minor defects contemplated in answer (*c*), which require a revision of the Act so soon after?

The Hon'ble Sir PROVASH CHUNDER MITTER: One minor defect has arisen out of section 85. Another minor defect is that the period of limitation for under-raiyats has probably become 12 years whereas in the case of occupancy raiyats it is two years, and a few others.

Amta Drainage Scheme.

***18. Babu MANMATHA NATH ROY:** (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state whether, and, if so, when, the Government propose to bring the Amta Drainage Scheme into operation?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (*a*) and (*b*) In view of the present financial position Government have decided not to proceed with this scheme for the time being.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state when, if at all, the department expect to handle this question?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I am afraid I cannot say. This is a matter for the Finance Department.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state if he is taking any steps to obtain the money for the purpose as soon as possible?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: No; not at the present moment.

Mr. JOGESH CHANDRA GUPTA: Does the Hon'ble Minister contemplate taking any action?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I may.

Détenus and cost of their maintenance.

*19. **Srijut NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state the names of persons now in detention under orders of this Government both under Bengal Regulation III of 1818 and the Criminal Law Amendment Act or under any other law or regulation?

(*b*) Will the Hon'ble Member be pleased to state whether any of such *détenus* resorted to hunger-strike during the period from July 1, 1928, to the present day?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state the grounds alleged for resorting to such strikes?

(*d*) Was any inquiry made by Government into the matter?

(*e*) If so, will the Hon'ble Member be pleased to state the result of such inquiry or inquiries?

(*f*) Will the Hon'ble Member be pleased to state the nature of accommodation provided for such *détenus*?

(*g*) Will the Hon'ble Member be pleased to state (separately for each *détenu*) the cost incurred for *détenus* during the first half of 1928?

(*h*) Will the Hon'ble Member be pleased to state whether such cost is treated as voted or non-voted in the Budget?

(*i*) Under what head is such expenditure shown in the Budget?

The Hon'ble Mr. A. N. MOBERLY: (*a*) No such persons are now under detention.

(*b*) to (*f*) Do not arise.

(*g*) Government are not prepared to give this information.

(*h*) Voted.

(*i*) 25 Jails and Convict Settlements, 47—Miscellaneous.

Srijut NAGENDRA NATH SEN: With reference to answer (*g*), may I ask you, Sir, whether when a question has been allowed by you, as President of this Council, is it competent for a Government officer to refuse an answer?

Mr. PRESIDENT: Mr. Sen, we decided that point yesterday and I have nothing to add to what I said. There is really no rule which empowers me to compel a Member of Government to answer a question.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Member be pleased to give the reasons, if any, for refusing to give an answer?

Mr. PRESIDENT: I think the Hon'ble Member is not bound to disclose his reasons, but in case he wants to do so, I have no objection.

The Hon'ble Mr. A. N. MOBERLY: I think, Sir, you have disposed of this.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir, I think the Hon'ble Member said on the last occasion that he would in future follow the course of giving his reasons to the President. May I, Sir, ask a supplementary question arising out of this point of order? Is there any reason why the Hon'ble Member has not followed the course which he promised to do only three days ago?

The Hon'ble Mr. A. N. MOBERLY: I submit, Sir, that question was somewhat different from this one?

Mr. PRESIDENT: I agree: it is altogether different.

Srijut NAGENDRA NATH SEN: On a point of order, Sir, with reference to answers (*b*) to (*f*), how can the Hon'ble Member say——.

Mr. PRESIDENT: Mr. Sen, I am afraid I must interrupt you. According to my own rulings and to Parliamentary practice, it is not permissible for any member to criticise an answer given, your only remedy lies in supplementary questions.

Dr. J. M. DAS GUPTA: On a point of order, Sir. Is it not necessary for the answer to be a real answer? I mean to say that an Hon'ble Member may say something which is not an answer at all.

Mr. PRESIDENT: As I have already explained, the rules do not permit me to compel any member to give an answer in a particular way and it is not permissible for any member to discuss or debate upon an answer given.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. There is no rule that answers should be relevant, and if any irrelevant answer is given, or an answer beside the point is given, can a member then criticise such an answer as irrelevant?

Mr. PRESIDENT: No; for an interpellation debate is forbidden.

Sunderbans shooting incident.

*10. **Maulvi SHAMSUR-RAHMAN:** (*a*) Is the Hon'ble Member in charge of the Police Department aware that six persons, of whom three died on the spot, were shot at Amtali Khal near the Passur River, Khulna, by some Forest officers of the Sunderbans Forest?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement showing the circumstances which led to the alleged shooting?

(*c*) Will the Hon'ble Member be pleased to state the authority under which the District Magistfate took away the case from the hands of the police and himself inquired into it?

(*d*) Is it a fact that the bullets were found to have entered the body of the persons shot from behind?

(*e*) Is it a fact that the Forest launch was employed to bring down prosecution witnesses from their place of residence?

(*f*) Is it a fact that one Mr. Gupta, Assistant Conservator of Forests, appeared on the scene immediately after the occurrence, but did not take down any dying declaration of the persons shot who were still living, but died subsequently on the way nor did he take any statement from the officers concerned in the shooting?

(*g*) Will the Hon'ble Member be pleased to lay on the table the report of the District Magistrate?

(*h*) Is it a fact that the District Magistrate is of opinion that the officers were justified in shooting in exercise of their right of private defence?

(*i*) Will the Hon'ble Member be pleased to state why the case was not allowed to be placed before a jury to decide whether the officers have really exceeded the right of private defence or not?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes.

(*b*), (*g*) and (*h*) A copy of the District Magistrate's report is laid on the table.

(*c*) On his own authority vested in him by law under section 176, Criminal Procedure Code.

(*d*) No.

(*e*) " Prosecution witnesses " is a misnomer in such an enquiry. A Forest launch was used to find certain witnesses of the occurrence whose homes were 2 or 3 days journey by boat from Khulna or who were likely to be and were in fact found in a remote part of the forest. The police took and served the processes. The Forest launch was used both to prevent delay and because its personnel is acquainted with the rivers and khals in the forest where the witnesses might be found.

(*f*) Mr. Gupta appeared on the scene shortly after the occurrence. Only one person shot and still living was found by Mr. Gupta. The latter questioned him, but he was unable to speak. The officers concerned in the shooting wrote statements in Mr. Gupta's presence shortly after the occurrence on the journey to Khulna the same night.

(*i*) It would not have been proper for the Crown to prosecute a person who had clearly not exceeded the right of private defence.

Report referred to in the reply to clauses (b), (g) and (h) of starred question No. 20 on the Sunderbans shooting incident.

I have held an enquiry under section 176, Criminal Procedure Code, into the circumstances attending the reported shooting by temporary Forester Abinash Chandra Sen of Jumman Sarder and Afiluddi Shaikh.

The incident occurred on 23rd August in Nilbaria Khal which is at the southern extremity of the district near the sea. It is one of several recent cases which have occurred owing to the efforts of the Forest Department to suppress iguana poaching in the reserved forest. A list of at least 6 such cases among others in which violence has been used against Forest officers during the past year and which have ended in conviction has been filed. In one of these cases a Deputy Ranger was nearly killed, and in another Mr. Yusuf, the Assistant Conservator, with his party were wrongfully confined and would have been justified in firing on his assailants.

The remoteness of the spot has fortunately excluded the possibility of suborned witnesses, but by chance 5 fishermen were in the vicinity, and four of these were taken up into the boat of the foresters just before the affray. Their evidence is valuable as they are the only independent eye-witnesses. These witnesses went to their homes, and were only traced with difficulty in the forest where they had gone on another fishing expedition and produced on 9th September. The poachers except one who had been arrested dispersed in the forest after the occurrence, and as they live in the southern extremity of Paikgacha Thana, nearly 3 days journey from Khulna, their attendance was with difficulty secured. Nevertheless, before taking up this enquiry on 10th September, I had the evidence of every witness who appeared before that date examined, under section 164, Criminal Procedure Code, by the Subdivisional Officer, Sadar, immediately on appearance or production in Khulna. This minimised opportunity of any concerted lying at the outset. In this way on 24th August the following witnesses were examined:—

Mr. A. C. Gupta, Assistant Conservator of Forests, to whom the whole matter was reported on the spot immediately after the occurrence by the foresters concerned.

Babu Shibendra Nath Chatarji, temporary forester, who was also armed and with Abinash Babu.

Panchanan Das Manji, Faizuddi Shaikh and Chunilal Dey, forest boatmen concerned in the affray.

On the same day the arrested man lodged an F. I. R. in which he implicated Shibendra Nath Chatarji.

On 29th August three severely wounded men were brought by the police to Khulna. Their statements were recorded by Subdivisional Officer under section 164, Criminal Procedure Code, and their dying declarations also recorded.

On 3rd September one of the independent fishermen, Matiulla Gazi, was produced and examined by the Subdivisional Officer under section 164, Criminal Procedure Code.

On 9th September the other four fishermen Faizuddi Gazi, Thanda Gazi, Isarali and Dhanir Gazi were produced and examined by the Subdivisional Officer.

On 24th August I took cognisance on the report of Mr. Gupta under section 190 (*1*) (*c*). The F. I. R. and the report were then sent to the police for investigation into offences under section 302 against Babu Abinash Chandra Sen and Babu Shibendra Nath Chatarji, both temporary foresters, and sections 148, 224, 225 and 353 and Forest Act offences against Mohorali and others. The Divisional Forest Officer on 28th August submitted a full offence report which had been made out and signed on 24th August by Babu Abinash Chandra Sen, with a list of exhibits including two dingis, five daos, one axe, twenty-four iguana skins, five seers of salt and numerous other articles.

The police held an inquest on 24th August and the Civil Surgeon made post-mortem reports on 25th August on the bodies of Jumman Sarder and Afiluddi Shaikh. The Khulna Hospital Sub-Assistant Surgeon also made injury reports on 29th August on the three wounded men Mofizuddi Shaikh, Torfan Mia, and Nasiruddi. The Civil Surgeon operated on Torfan Mia and extracted a bullet from him.

The District Superintendent of Police was sent to the place of occurrence to collect exhibits especially spent cartridges left at a forest station and see if any of the poachers were marooned in the forest.

[*A paragraph in which the applicability of section 197, Criminal Procedure Code, was discussed, has been omitted.*]

On 10th September the legal difficulty having been settled, the important witnesses having appeared and wounded men being fit for examination, I started this enquiry. The procedure adopted was that under section 202, Criminal Procedure Code, pleaders both for the foresters and poachers attended throughout to assist in the enquiry. Owing to the mass of evidence it was necessary to record, heavy

pressure of other work, difficulty experienced in executing warrants owing to the remote position of the witnesses' homes both from the local thana and from Khulna, and deliberate evasion of three witnesses at the end of the enquiry, it was not possible to close the enquiry before 12th October. I directed the police to stay submission of charge sheets or final report pending result of this enquiry.

All the statements recorded by the Subdivisional Officer, except that of Babu Shibendra Chatarji, who is in the position of an accused, and that of fisherman Matiulla Gazi who was not actually present at the occurrence, together with the dying declaration of the wounded men, have been incorporated after proof in the evidence recorded by me. A voluntary statement not on oath by Abinash Chandra Sen has also been recorded. I have taken notice of the F. I. R. of Moharali, the forest offence report and exhibit lists, the relevant forest accounts of ball and blank cartridges, the bullet extracted from Torfan Mia and four dingis concerned in the case. I have examined the following witnesses:—

Mr. A. C. Gupta, Assistant Conservator of Forests.

Panchanan Das Manji, Faizuddi Shaikh and Chunilal Dey, forest boatmen.

Famuddi Gazi, Thanda Gazi, Esarali and Dhanir Gazi, fishermen in forest dingi at the time of occurrence.

Makaruddi, who lodged F. I. R., giving false name Moharali, arrested by foresters as a poacher some time before the affray.

Torfan Mia, Mafazuddi and Naseruddi, wounded poachers—present at the riot.

Manik, Shedu Sona, Chand Khar, Elem Khan, Nizamuddi, Bahiruddi, Mater, Eusuf, Dabiruddi and Assiruddi, poachers—present at the riot.

Rai H. C. Sarkar Bahadur, Civil Surgeon.

Babu Jogendra Chandra Sen, Sub-Assistant Surgeon.

Jumman Sarder Hazi, Matbar of poachers' village.

Sadek Ali Gazi, President Panchayet.

Besides Jumman Sarder and Afiluddi Shaikh, the evidence discloses that a third man, Aijuddi Shaikh, was killed either by the same shot that wounded Mafizuddi and Nasiruddi and killed Jumman or by drowning (not excluding the possibility of being killed by sharks or crocodiles). Firing is admitted by Abinash Babu and there is no serious dispute that the five persons named were wounded or killed by the firing. I have therefore kept fully in mind the fact that in law the onus of proof that the firing was justified would lie upon the accused foresters. No useful purpose will, I think, be served by an

elaborate analysis of the evidence in an enquiry of this sort. I have examined it all in detail, and find that the following points are beyond reasonable doubt:—

On 21st August a party of not less than 18 men left Golkhali or its vicinity in the southern extremity of Paikgacha Thana to poach iguanas in the reserved forests. They were in three dinghis. On 23rd morning they were at the northern end of the Ambaria Khal near where it joins the Bhangra River. Mr. Gupta patrolling in his launch directed temporary foresters, Abinash Chandra Sen and Shibendra Nath Chatarji, to search the Ambaria Khal from its northern end. He left his launch at the southern exit near the sea and in his motor boat entered another exit from this khal into the Passur with the intention of meeting the foresters somewhere in Bara Ambaria Khal. On 23rd morning the foresters came upon the 3 dinghis of the poachers—two on one side of a khal, one on the other. Mokoruddin, Chand Khan and Shedu Sona were in charge of these boats preparing meals while the rest of the party had gone into the forest to hunt iguanas. One fresh iguana skin was on the cover of Mokoruddi's boat. The foresters who were in a dinghi with boatmen Panchanan Das, Faisuddi Shaikh and Chunilal Dey arrested Mokoruddi. The other two men went into the forest and called the rest of the party. Abinash Chandra Sen then fired one ball shot into the bottom of the empty boat of Mokoruddin to prevent pursuit, and seeing the single boat on the other side crossing towards him, with men in it and 10 or 12 men coming out of the forest with at least one axe, daos and clubs for killing iguanas in their hands made off with prisoners southwards with the intention of escaping the poachers and joining Mr. Gupta. Not less than 16 of the poachers followed the foresters in two boats with the object of rescuing their arrested companion by force. The foresters with difficulty kept ahead, but their boat being slighter in build less heavily laden and the two foresters themselves joining in the paddling, they retained their lead. The determination of the poachers may be gauged by the fact that they followed for at least five miles. To shake off the pursuit Abinash Babu fired two blank shots in the khal going south and one blank shot near where this khal joins at right angles the Bara Ambaria Khal and its continuation called Nilbaria Khal. Turning left on reaching this junction, the foresters came upon two fishing boats with fishermen asleep on them. Abinash Babu roused them in great agitation and even pointed his gun at them to get them to join his party. Four out of 5 fishermen on the boats at once got on to the foresters' dinghi. After going a short way and having been told the danger of the pursuit, the fishermen told the foresters they had taken the wrong turn at the junction to get to the Passur from which direction it had been arranged Mr. Gupta would come. The foresters therefore turned and passing

the fishing boats again stopped a moment to leave Motiulla in place of Esarali on the fishing boats as the latter knew the way to the Passur. At that time the poachers boat were in sight coming quickly towards the foresters. The two poachers boats were one behind the other with covers but an open space at each end.

The foresters wanted to get past, but the leading boat of the poachers ranged alongside on the left of the foresters boat. Abinash Babu was standing in the rear half of his boat, one foot on the low platform near the centre in the rear half of his boat. The arrested man Makaruddi was alongside him, one fisherman behind him and one boatman at the helm. Abinash Babu clearly warned the boats not to approach. There were several men with paddles, lathis, daos and at least one axe in their hands standing and squatting in the front of them. A blow at Esarali was warded off with a paddle and a warded blow with a lathi hit a boatman on the leg. Mafizuddi and Aijuddi were in the front of the leading boat. Their attitude was defiant, and Mafizuddi aimed a blow with a dao at Abinash Babu which he avoided just before he fired. Others had daos and lathis in their hands. There was some attempt to sink the foresters' boat by rocking it. The first shot was fired by Abinash Babu into the leading boat. It hit first Mafizuddin, killed Jumman Sarder, and wounded also Naseruddin. If Aijuddi was shot this shot also hit him. He fell into the water and disappeared.

Meanwhile the second poachers boat had come up on the right of foresters boat. Men were standing with an axe and daos in the front of it. A warning cry apprised Abinash Babu of his danger. After the first shot, he squatted down as the boat was rocking to steady himself. He then rose while loading and turning towards the second boat aimed his gun at a man in the front with a dao, telling him to throw it down. While still aiming his gun, was caught from behind by a man in the first boat. In turning to see his assailant, he gripped the gun and it went off while still in the aimed position. This shot killed Afiluddi and wounded Torfan who were both in the second boat. There were only a few seconds between each shot.

The boats of the poachers then fell away and the foresters at once continued their course towards the Passur. On sighting Mr. Gupta's motor boat Abinash Babu fired a blank shot to attract his attention. He related the whole matter to Mr. Gupta who at once set off down Nilbaria Khal to look for the poachers. He passed one of their dinghis deserted near the place of occurrence and came in sight of the other dinghi loaded with the poachers a little later. On the appearance of his boat, they all, including the 3 badly wounded men, leaped into the khal and swam ashore, leaving their boat with the dead body of Jumman Sarder and the dying Afiluddi in it. They had all got into a single boat to make their way home. Mr. Gupta

searched the forest with his men for some time, but could not trace them. It appears that they got back in batches with the help of passing fishermen. They managed to recover the holed boat as it was later seized with the clear mark of a bullet hole in it by the police at the home of the poachers. Afiluddi died the same evening. Mr. Gupta brought the bodies and 2 dinghis of the poachers by next morning to Khulna.

Only 2 shots were fired besides the shot into the bottom of the empty dinghi and 4 blank shots. All were fired by Babu Abinash Chandra Sen. Babu Shibendra Nath Chaturji had a gun but from start to finish never fired a shot.

In my opinion the first shot was justified on the ground that Abinash Babu and his companions were in danger of death or grievous hurt. The second shot if willed would also have been justified in that the dangerous approach of the second boat with men armed with deadly weapons in it was a continuation of the danger caused by the first boat's attack. As a fact however the shot was accidental caused by gripping the aimed gun to prevent interference from some one behind. The result of the 2 shots was devastating in the circumstances, but the foresters were not responsible for those circumstances.

My main reasons for finding the firing justified are: —

(1) Numerous cases in the past year where Forest officers have been attacked especially by gangs of iguana poachers. In one case a Deputy Ranger has been maimed for life; in another an Assistant Conservator was wrongfully confined.

(2) The danger of death when attacked in a small open boat in a khal infested with sharks and crocodiles is more real than a mere assault on terra-firma.

(3) The F. I. R. of Mokaruddin was given by the informant in a false name and is a tissue of lies as is proved by the poacher-witnesses themselves.

(4) Everything preceding the occurrence as described in the offence report has been directly or by inference admitted by the poachers concerned.

(5) These preceding facts show a determined intention on the part of the poachers to rescue their arrested companion. The foresters certainly fled and were pursued relentlessly for not less than 5 miles. The 2 Babus paddling themselves, the blank shots, the fact that the poachers had no time to eat their meal which was ready before the pursuit began, and the taking up of the fishermen to strengthen the forest party all indicate a flight in fear and relentless pursuit.

(6) The numerous discrepancies amongst the poachers' witnesses as to the position and distances of the boats at the time of occurrence make no reasonable story at all. On the other hand the evidence of the foresters and fishermen is coherent and credible.

(7) Undoubtedly daos and an axe were in readiness when the boats closed. The mere absence of wounds in the foresters party does not preclude the likelihood that the firing was not a moment too soon.

(8) The poachers have lied in saying 3 shots were fired at their 2 boats in the riot and in attempting to implicate Shibendra Babu in the firing.

(9) In the course of the enquiry the poachers finding their story going to pieces wanted to "compromise" the case.

(10) As Government officers doing their duty and armed for the purpose of self-defence, the foresters are entitled to a charitable view of their state of mind at the time of firing in the absence of any clear evidence of recklessness, undue panic or mere *zid*.

I have directed the police to submit final report in the case against them and charge sheet against the poachers. If a naraji petition is made, it will be dealt with according to law. It does not seem to me a fit case in which Government should put its servants in the dock, as my enquiry has been sufficiently thorough to exonerate them.

H. QUINTON,

District Magistrate, Khulna.

The 17th October 1928.

Srijut NAGENDRA NATH SEN: With reference to answer (*e*), will the Hon'ble Member be pleased to state if Government approve of the use of the Forest launch?

Mr. PRESIDENT: I disallow that question.

Unstarred Questions

(answers to which were laid on the table).

Rupnarayan River Embankment, breach in Kolaghat Railway Bridge.

16. Babu JITENDRALAL BANNERJEE: (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that a sluice on the eastern embankment of the Rupnarayan river, to the immediate north of the Rupnarayan Railway bridge at Kolaghat, has given way?

(b) If so, will the Hon'ble Member be pleased to state why no attempt has been made to repair or replace the same?

(c) Is it a fact that this gap in the embankment, by letting in the salt flood water of the river, is causing hardship to the people of the village Nowpala which lies on the east bank of the river?

(d) If so, what steps, if any, do the Government intend to take in the matter?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (a) The said sluice gave way a good many years ago.

(b) The embankment in which the sluice was situated is not a Government embankment, as it was abandoned shortly after the Railway was opened.

(c) It has been reported that salt water enters a portion of the area referred to.

(d) No steps are proposed to be taken, but no objection would be raised to the closing of the breach in the old embankment by the people affected.

Mr. JOGESH CHANDRA GUPTA: With reference to answer (d), will the Hon'ble Member in charge be pleased to state why Government do not propose to protect the people by repairing the breaches in the old embankment?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Government are not bound under the law to repair what is not a Government embankment; it is for the people to do it.

Mr. JOGESH CHANDRA GUPTA: Is it not one of the duties of Government to look after the interests of the people and protect ——. (Derisive cries of "No," "No," from Congress members.)

Mr. PRESIDENT: I disallow that question.

Mr. JOGESH CHANDRA GUPTA: Is it not the duty of Government to protect the people from injury caused by the breaches in the embankment?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Government have already given up the embankment, and they are not bound to maintain it any longer.

Mr. JOGESH CHANDRA GUPTA: Do I understand the Hon'ble Member to say that Government have given up the duty of looking after the interests of the people and their trusteeship?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I did not say the duty of looking after the interests of the people, but that of repairing the embankment. It is an old one, and was given up by Government when a new retired embankment was built.

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state whether it is not a fact that the cost of repairing and maintaining this embankment and the embankment on the Damodar is realised from the Burdwan Raj?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I do not know. There is no information.

Rents and salamis on transfer of holdings in Government and Government-managed estates.

17. Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Member in charge of Department of Revenue (Land Revenue) be pleased to lay on the table a statement showing—

(*i*) the gross collection respectively of rents and *salamis* on transfer of holdings in the Government estates and proportion of the *salamis* to gross rentals in each of the years from 1885 to 1928, both inclusive;

(*ii*) the gross collection respectively of rents and *salamis* on transfer of holdings in the private estates now under the management of Court of Wards, the proportion of the *salami* to gross rentals in each of the years during which such estates have been under the management of Court of Wards; and

(*iii*) the earliest year or years in which *salamis* on transfer of a holding and *salamis* on transfer of a part of a holding respectively were first recovered in the Government estates?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*i*) and (*ii*) The information is not available.

(*iii*) As far as can be ascertained, *salami*, both on transfer of a holding and on transfer of a part of holding, was first realised in Government estates in 1919.

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Member in charge be pleased to state whether it is the practice of Government to keep separate accounts for rent and for *salami*?

The Hon'ble Sir PROVASH CHUNDER MITTER: If by that question is meant at the headquarters of Government, no. But I may tell the hon'ble member that we tried our best to collect all the information that he wants. The first information that he wants is the gross collection respectively of rents and *salamis* on transfers of holdings in the Government estates and proportion of the *salamis* to gross rentals in each of the years from 1885 to 1928, both inclusive. Well, we referred the matter to the Board of Revenue, and the Board in turn referred it to the District Officers. It is apparent that it would involve great expense and labour for many months before this could be gathered.

The next information the hon'ble member wants is the gross collection respectively of rents and *salamis* on transfer of holdings in the private estates now under the management of Court of Wards, the proportion of the *salami* to gross rentals in each of the years during which such estates have been under the management of Court of Wards. Well, this also is very, very difficult. In one estate, namely, that of the Nawab Bahadur of Dacca, the gross collection is Rs. 19 lakhs, and it has been found to be very difficult to separate the figures even in this one estate, as, if you want to find them out, it will be necessary to examine the daily accounts for each year. So, it will appear that to collect information for all the Court-of-Wards estates would require an enormous expense of time, money and labour.

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Member be pleased to state that if no separate account is kept for rent and

salami, how does he get his information that *salami*, both on transfer of a holding and on transfer of part of a holding, was first realised in Government estates in 1919?

The Hon'ble Sir PROVASH CHUNDER MITTER: Because, in 1918, at a Conference of Divisional Commissioners, this procedure was recommended, and in 1919 orders were passed.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to lay a copy of that circular on the table of the House?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have not got it with me; I want notice of this question.

Khan Bahadur Maulvi AZIZUL HAQUE: I now give notice of this question. Will the Hon'ble Member be pleased to state whether there is any uniformity of rates so far as Government estates and the Court-of-Wards estates are concerned?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have no information with me at the present moment.

Khan Bahadur Maulvi AZIZUL HAQUE: Will he take this as a further question for reply? The next question I should like to ask is: whether Government consider it legal to realise *salamis* in part transfers of holdings?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes. The rulings on the subject are perfectly clear. It is only by evasion that it can be escaped.

Khan Bahadur Maulvi AZIZUL HAQUE: Is the Hon'ble Member aware of the fact that this practice on the part of Government has set a very atrocious example to the people of Bengal?

The Hon'ble Sir PROVASH CHUNDER MITTER: No, certainly not. The practice is perfectly legitimate.

Law officers of Government.

18. **Maulvi NURUL HUQ CHAUDHURI:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing the number and proportion of Law officers of the Government belonging to each of the following classes and the total amount and proportion of salaries, allowances and other remunerations received by each class during the financial year 1927-28 or the latest complete year for which the figures are available—

(*a*) Hindus belonging to the Brahmins, Baidyas and Kayesthas;

(*b*) Hindus belonging to the Brahmo and Arya Samaj;

(*c*) Hindus belonging to other castes;

(*d*) Moslems;

(*e*) others (excluding the Europeans and Anglo-Indians)?

The Hon'ble Mr. A. N. MOBERLY: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 18 showing the number of Law officers of the Government of Bengal belonging to each of the classes mentioned below and the amount of remuneration received by each class during the period of one year ending June, 1928.

Classes of officers.	Number.	Hindus belonging to the Brahmin, Baidya and Kayastha communities.	Hindus belonging to the Brahmo and Arya Samaj communities.	Hindus belonging to other castes.	Moslems.	Others.	Remuneration earned.			Remarks.
							Salary or retainer.	Fees or other allowances.	Total.	
1	2	3	4	5	6	7	8	9	10	11
							Rs.	Rs.	Rs.	
Advocate-General, Bengal	1	1	..	..	..	..	36,000	24,820	60,820	
Government Advocate ..	1	..	1	.	..	..	6,000	21,675	27,675	
Legal Remembrancer, Bengal.	1	.	1	.	..	..	24,000	£106 13s. 4d (overseas pay)	25,422	Calculating rupee at the rate of 1s. 6d. The information relates to the present incumbent for 8 months from November 1927 when he assumed charge. The predecessor in office was an European I. C. S. officer.
Deputy Legal Remembrancer, Bengal.	1	..	..	..	1	.	22,800	..	22,800	In the scale of Rs. 1,700—100—2,200. Calculated at the present rate of pay of the incumbent, *viz.*, Rs. 1,900.
Senior Government Pleader, High Court.	1	1	..	..	..	..	3,300	Rs. 21,161	24,461	
Junior Government Pleader, High Court.	1	1* (from July to November 1927).	.	.	1 (from December 1927 to June 1928)	..	1,800 750 + 1,050).	5,953 (4,543 + 1,410).	7,753	From July to November 1927 the post was held by a Hindu officer and from December 1927 to June 1928 by the present Muhammadan incumbent. The former drew Rs. 750 and Rs. 4,543 in retainer and fees and the latter Rs. 1,050 and Rs. 1,410, respectively.
Public Prosecutor, Calcutta.	1	..	..	1	..	..	24,000	3,964*	27,964	*Allowances for 12 months at Rs. 200 per month and Rs. 1,564 as fees under the Indian Companies Act.
Junior Public Prosecutor, Calcutta.	1	..	..	..	..	..	..	..	..	Has assumed charge only from 2nd January 1929 on a scale of salary of Rs. 600—600—650—50—1,200.

Government Pleader and Public Prosecutor (combined in one officer).	14	14	..	..	..	..	12,540	62,404	74,944	
Government Pleaders ..	12	10	..	1	1	..	12,720	51,659	64,379	The officer under column 6 earned Rs. 1,200 as retaining fees and Rs. 4,290 as other allowances, and the officer under column 5 Rs. 1,200 as retaining fees and Rs. 780 as other allowances.
Public Prosecutors ..	12	5	..	..	7	..	7,800	77,667	85,467	The officers under column 6 earned Rs. 8,900 as retaining fees and Rs. 30,876 as other allowances.

Calcutta and Kharagpur riots.

19. Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement relating to Calcutta riots of 1926 (first phase and second phase) and Kharagpur riots of 1928, showing—

(*i*) the total number of deaths and other casualties among Hindus and Moslems;

(*ii*) the total number of Hindus and Moslems arrested by the police;

(*iii*) the total number of Hindus and Moslems sent up for trial; and

(*iv*) a classified list according to charges under the Penal Code or other laws under which Hindus and Moslems were in each case sent up for trial and the punishments awarded by courts of law in their respective cases?

The Hon'ble Mr. A. N. MOBERLY: (*i*), (*ii*) and (*iii*) A statement is laid on the table.

(*iv*) A statement of offences and punishments at Kharagpur is laid on the table. The preparation of a similar statement for Calcutta would entail so much time and labour that Government are not prepared to undertake the task, but the member is referred to the statement made in reply to starred question No. 13 asked at the meeting of this Council held on the 12th July, 1926.

Statement referred to in the reply to clauses (i), (ii) and (iii) of unstarred question No. 19 relating to Calcutta riots of 1926 and Kharagpur riots of 1928.

	Calcutta riots—First and second phase.		Kharagpur riots.	
	Hindus.	Muhammadans.	Hindus.	Muhammadans.
(1) Killed	54	50	14	16
Injured (sent to hospital)	499	451	24	7
(2) Arrested	432	725	132	63
(3) Sent up for trial ..	227	563	103	55

Statement referred to in the reply to clause (iv) of unstarred question No. 19.

Classified list according to offences of persons sent up with the result of trial—Kharagpur riots.

	Hindus.				Muhammadans.			
Sections of law of Indian Penal Code or other codes.	Persons sent up.	Persons convicted with sentence	Persons acquitted	Persons still under trial.	Persons sent up.	Persons convicted with sentence.	Persons acquitted.	Persons still under trial.
1	2	3	4	5	6	7	8	9
341, I.P.C. ..	2	2 (fined Rs. 5 each).	..	..	..	....	..	..
302, I.P.C. ..	5	....	5	..	2	(at large) ..	..	..
326/34, I.P.C.	..	....	..	..	3	1 (5 years' rigorous imprisonment).	2	..
326, I.P.C. ..	2	....	2	..	..	...	..	..
448, I.P.C. ..	1	1	..	..	..	....	..	..
147, I. P. C.	4	4 (three to 5 months' rigorous imprisonment and one to 1 month's rigorous imprisonment)	..	..	2	2 (2 months' rigorous imprisonment each).	..	..
411, I P. C.	3	....	3	..	1	....	1	..
337, I. P. C.	2	. .	2	.	..	....	..	..
353, I P. C	1	.	1	..	..	....	..	..
148, I. P C	..	.	.	.	3		3	..
302/149, I. P. C.	2	.. .	1	1 (pending in Sessions Court).	..	....	..	..
Explosives Act, section 4.	..	. ..	..	..	1	1 (3 years' rigorous imprisonment by the Sessions Judge).	..	..
302/149/295, I. P. C.	4	....	4	..	..	....	..	..
110, C. P. C.	..	....	..	..	1	1 (6 months' rigorous imprisonment)	..	..
510 188, I. P. C.	1	1 (released after due admonition).	..	..	..	....	..	..
504, I. P. C.	..	. ..	..	..	1	1 (convicted and discharged under section 562, C. P. C.).	..	..
506(b), I. P. C.	..	....	..	..	1	....	1	..
510, I. P. C.	2	2 (detained till rising of the Court).	..	..	1	1 (detained till rising of the Court).	..	..

	Hindus.				Muhammadans.			
Sections of law of Indian Penal Code or other codes.	Persons sent up.	Persons convicted with sentence.	Persons acquitted.	Persons still under trial.	Persons sent up.	Persons convicted with sentence.	Persons acquitted.	Persons still under trial.
1	2	3	4	5	6	7	8	9
107, C. P. C.	6	4 (on appeal 3 set aside and 1 to execute a bond of Rs. 25 for 6 months).	2	..	16	13 (bound down for one year). Some of them were modified or set aside on appeal by Sessions Judge.	3	..
188, I. P. C.	53	44 1 week's simple imprisonment, 2; 2 months' rigorous imprisonment, 15; bound down for 3 months' 5; admonition, 15; 15 days' rigorous imprisonment, 1; fined Rs. 15, 4; fined Rs. 10, 2. (Some of these convictions were modified or set aside by the Sessions Judge).	9	..	20	11 Admonition, 8; 3 months' rigorous imprisonment, 2 2 months' rigorous imprisonment, 1 (Some of these convictions were modified or set aside by Sessions Judge)	9	..
144, C. P. C.	15	(1) Ordered to leave Kharagpur town for two months and not come within 15 miles, 13 (2) Ordered to leave Kharagpur town for two months and not come within 5 miles, 2.	..	3	3	(1) Ordered to leave Kharagpur town for 2 months and not to come within 15 miles, 2 (2) Ordered to leave Kharagpur town for 2 months and not to come within 5 miles, 1.	..	..
Total ..	103				55			

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Member be pleased to state that having regard to the fact that the casualties among the Hindus and Muhammadans were almost evenly balanced, how is it that the number of Muhammadans sent up for trial was more than twice the number of Hindus?

The Hon'ble Mr. A. N. MOBERLY: I have not been into this question, I want fresh notice.

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Member be pleased to state whether this is not due to the fact that the number of Hindu officers in the Calcutta Police is nearly three times that of Muhammadan officers?

Mr. PRESIDENT: I disallow that question.

Assistant Health Officers for the Rural Health Organisation Scheme.

20. Babu AKHIL CHANDRA DATTA: (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact that some 60 medical students with qualifications of Sub-Assistant Surgeons were taken in by the Public Health Department under Dr. Bentley in 1927 for the purpose of being trained as Assistant Health Officers for the Rural Health Organisation Scheme?

(*b*) Is it a fact that Rs. 100 was realised from each student for such training on the understanding that the successful students would be provided with appointments under the District Boards?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of students who have passed the examination so held; and

(*ii*) the number provided with the promised appointments?

(*d*) Is the Hon'ble Minister aware that the delay has brought ruin upon many students as they had given up their former posts and joined the training class upon the assurance of a direct appointment?

(*e*) Will the Hon'ble Minister be pleased to state whether there is any proposal before the Government to provide those students with appointments?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any scheme has been prepared as to their status, pay and prospects?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (*a*) Forty-one candidates having registrable medical licentiate qualifications were admitted in the Assistant Health Officers' training class under the Bengal Public Health Department.

(*b*) Every candidate was required to pay a fee of a hundred rupees for tuition and a separate fee of ten rupees for his examination, but no guarantee was given that the successful candidates would be provided with appointments under the District Boards.

(*c*) (*i*) Twenty-four.

(*ii*) Up to date eight under District Boards and two under the Public Health Department.

(*d*) Government have no information.

(*e*) District Boards have shown an unforeseen disinclination to employ medical licentiates in preference to Sanitary Inspectors on account of the higher salaries expected by the former. It is, however, expected that employment will be available for all these students in the near future.

(*f*) Those who are employed in the rural public health organisation become the servants of District Boards and it is their employers who in the first instance decide what their status, pay and prospects will be. Government only exercise control to this extent, that the Government grant towards the cost of a thana unit is not payable unless the Director of Public Health has approved of the rates of pay and allowances and the conditions of service of the staff employed.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether the Assistant Health Officers have the same functions as Sanitary Inspectors?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Practically the same, except that they do not do the work of vaccination.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state on what materials he has based his answer in (*e*) that District Boards have shown an unforeseen disinclination to employ qualified men such as medical licentiates in preference to Sanitary Inspectors on account of the higher salaries expected by the former?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: As a matter of fact, 270 centres have been opened and of these 262 employ Sanitary Inspectors. This figure shows the District Boards' disinclination.

Khan Bahadur Maulvi AZIZUL HAQUE: Is the Hon'ble Minister aware that so far as the percentage of the appointment of Sanitary Inspectors is concerned, the District Boards have nothing to do except that they got a letter from Government saying that such and such persons have been appointed?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: No.

Khan Bahadur Maulvi AZIZUL HAQUE: Do I understand that this is not a fact, or that Government have no information?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I am not aware of it: I want fresh notice.

Khan Bahadur Maulvi AZIZUL HAQUE: I give notice of a fresh question: "On what materials has this answer been framed?" The information may be furnished to this House.

Babu AKHIL CHANDRA DATTA: Will the Hon'ble Minister be pleased to enlighten us whether there is any class for training these officers?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: There was formerly; it has now been closed.

Babu AKHIL CHANDRA DATTA: Where did all the money received in fees mentioned in answer (*b*) go?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Presumably, they were spent on the expenses of the class.

Babu AKHIL CHANDRA DATTA: On the expenses of training?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Yes.

Babu AKHIL CHANDRA DATTA: Where did this money go to in the first instance? I mean who received the money?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: The Treasury.

3-30 p.m.

Babu AKHIL CHANDRA DATTA: Where were the classes held?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: In the Calcutta Technical School.

Babu AKHIL CHANDRA DATTA: If no guarantee was given that the successful candidates would be provided with appointments, was there any assurance given that they would be provided with appointments after the passing of their examination?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: None was given by Government.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister convinced that no further improvement in sanitary affairs is needed in Bengal?

Mr. PRESIDENT: That is no question.

Mr. JOGESH CHANDRA GUPTA: If not, why the classes have been discontinued?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Because there is no provision at present. Only two of the successful candidates have been appointed. At present there are more officers who have passed the examination but have not been provided with appointments. There is no demand for such training.

Mr. JOGESH CHANDRA GUPTA: Is it a fact that as yet all the districts have not been provided with Sanitary Inspectors or at least half of them?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sanitary Inspectors have been appointed in the districts which required them.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to issue a circular to all the District Boards——

Mr. PRESIDENT: I do not allow that question—it is a request for action.

Circumstances of ex-détenu Naresh Chandra Chaudhury's death.

21. Srijut NAGENDRA NATH SEN: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the Government have any information as to the disease which *ex-détenu* Naresh Chandra Chaudhury died from?

(*b*) Is it a fact that he died from tuberculosis?

(*c*) Is it a fact that he contracted tuberculosis while in internment?

(*d*) When was he first arrested?

(*e*) How many times was he interned, and at what places?

(*f*) When was he released last?

(*g*) Was any information conveyed to Government that the said *détenu* was suffering from any disease while under internment?

(*h*) If so, was the said *détenu* placed under medical treatment or any medical observation?

(*i*) If the answer to (*h*) is in the affirmative, will the Hon'ble Member be pleased to state the nature of the medical treatment he had or the report of the medical examination?

(*j*) If the *détenu* was suffering from any disease, was the amount of his monthly allowance increased therefor? If not, why not?

(*k*) Will the Hon'ble Member be pleased to state the different reasons why Naresh Chandra Chaudhury was several times arrested and interned?

(*l*) Have the Government made any provisions for the maintenance of the aforesaid Chaudhury's family?

The Hon'ble Mr. A. N. MOBERLY: (*a*) and (*b*) Government have no information as to the circumstances of Naresh Chandra Chaudhury's death. A petition for an allowance was received from him in July, 1928, over a year after he had been released under section 11 (*1*) (*a*), (*b*) and (*c*). The petition stated that he was suffering from "a cold, cough and severe disorder of the stomach and was totally invalidated."

(*c*) No.

(*d*) In March, 1916.

(*e*) He was arrested twice. Government are not prepared to state the names of the places of internment.

(*f*) On July 8th, 1927.

(*g*) Yes.

(*h*) Yes.

(*i*) He was treated for pneumonia by a Sub-Assistant Surgeon and also by private practitioners.

(*j*) No, because a grant for medical expenses was given.

(*k*) Government are not prepared to publish this information.

(*l*) No, but he was given a compassionate grant in July, 1928, in consideration of his condition and financial difficulties.

Babu JOGINDRA CHANDRA CHAKRAVARTI: With regard to answers (*a*) and (*b*), will the Government be pleased to make an enquiry with regard to the disease of which the *détenu* died?

The Hon'ble Mr. A. N. MOBERLY: No.

Babu JOGINDRA CHANDRA CHAKRAVARTI: With reference to answer (*i*), will the Government be pleased to state why was he treated by a Sub-Assistant Surgeon and not by a Civil Surgeon?

The Hon'ble Mr. A. N. MOBERLY: As far as I remember he was in home domicile and was responsible for his own treatment.

Babu JOGINDRA CHANDRA CHAKRAVARTI: With reference to answer (*j*), will the Hon'ble Member be pleased to state the amount of the grant for medical expenses that was given?

The Hon'ble Mr. A. N. MOBERLY: No; that is a matter between the *détenu* and ourselves.

Babu JOGINDRA CHANDRA CHAKRAVARTI: With reference to answer (*l*), will the Hon'ble Member be pleased to state the amount of the grant that was given?

The Hon'ble Mr. A. N. MOBERLY: No, for the same reason.

Babu BEJOY KRISHNA BOSE: Will the Hon'ble Member be pleased to state the period of his illness before he was released?

The Hon'ble Mr. A. N. MOBERLY: I must ask for notice of this question. I can only say that he was ill off and on for a long time.

Babu BEJOY KRISHNA BOSE: Will the Hon'ble Member be pleased to state what was the total amount given for medical expenses during the period of his illness?

The Hon'ble Mr. A. N. MOBERLY: It is not possible to answer this question. He was operated upon while in jail.

Pay of the ministerial officers in the mufassal Courts and Revenue offices.

22. Srijut NAGENDRA NATH SEN: Will the Hon'ble Member in charge of the Judicial Department be pleased to state what action has been taken to enhance the pay of the ministerial officers in the mufassal Civil and Criminal Courts and Revenue offices under the Bengal Government?

The Hon'ble Mr. A. N. MOBERLY: Government have considered the scales of pay of ministerial officers in Revenue and Judicial offices and have decided to make no change in the scales.

Babu AKHIL CHANDRA DATTA: Has the Government considered the case of the typists?

The Hon'ble Mr. A. N. MOBERLY: No. The question relates to ministerial officers and not to typists?

Khan Bahadur Maulvi AZIZUL HAQUE: Does the answer include the ministerial officers under the District Magistrates also? I find that the scales of the ministerial officers in Revenue and Judicial offices are not to be increased. Does it include the ministerial officers of the District Magistrates?

The Hon'ble Mr. A. N. MOBERLY: The question as regards the ministerial officers establishment of District Magistrates does not concern the Judicial Department.

NON-OFFICIAL BUSINESS.

Non-official Members' Bills.

The Bengal Village Self-Government (Amendment) Bill, 1928, as passed on the 6th August, 1928.

Mr. PRESIDENT: I have it in command from His Excellency to put before the Council the Bengal Village Self-Government (Amendment) Bill, 1928, by Rai Harendranath Chaudhuri, which has been returned by His Excellency under section 81A (*1*) of the Government of India Act for reconsideration by the Council together with the amendments recommended by His Excellency, of which copies have already been supplied to you. I shall now put the amendments one by one before you in accordance with the provisions of section 66 of the Rules and Standing Orders. They will then be open to discussion in the same manner as clauses of a Bill during the consideration stage, and the amendments of which notice has been given and have been approved by me, may be at once moved by those members in whose name they stand.

Mr. D. N. ROY: On a point of order, Sir. I understand you want to move certain amendments, but I do not know to which motion those

amendments relate. There must be some substantial motion before the House, to which the amendments proposed to be moved should relate. In the absence of any such motion, I do not think these amendments can be moved.

Mr. PRESIDENT: Do you refer to the amendments recommended by His Excellency the Governor?

Mr. D. N. ROY: Yes.

Mr. PRESIDENT: You are absolutely mistaken Mr. Roy, because section 81A (*1*) of the Government of India Act provides that His Excellency the Governor, when he finds that he cannot accept a Bill as passed by the Council, may return the Bill to the Council for reconsideration either in whole or in part together with any amendments which he may recommend. His Excellency was, therefore, in order in recommending these amendments, and under section 66 I have to put the amendments before the House, which have got to be taken as duly moved, to be voted upon, after discussion, as amendments to the Bill.

Mr. D. N. ROY: Another point of order. May I quote the relevant portion of section 81A of the Government of India Act? The section says "Where a Bill has been passed by a local Legislative Council, the Governor may return the Bill to the Council for reconsideration either in whole or in part together with any amendments which he may recommend. That is to say, the Governor asks the Council to take up the second reading of the Bill again and also certain amendments which he recommends. Therefore, the law lays down that a motion must be before the House for the second reading, of which there must be amendments. Without this, these amendments cannot be moved. I lay special stress on the words "together with any amendments" and I submit that these amendments cannot be moved.

Mr. PRESIDENT: I do not agree with you. I rule that when His Excellency the Governor takes action under section 81A (*1*) of the Government of India Act, the Bill concerned is automatically taken back to the consideration stage in respect of such clauses as have been exposed afresh by His Excellency's action. No motion need, therefore, be made by the member in charge of the Bill to make its reconsideration possible by the Council.

Mr. D. N. ROY: May I know why is it necessary that the third reading of the Bill should be gone through?

Mr. PRESIDENT: That is necessary because if the procedure with regard to the third reading is not gone through it may be said that the Bill as subsequently altered by the Council, if such be the case, was not passed by the Council.

Dr. BIDHAN CHANDRA ROY: May I enquire whether under section 81A of the Government of India Act it is not contemplated that the whole Bill should be before the House and no member should be entitled to speak on the other part of the Bill in addition to the amendments? It seems to me very clear that the Bill should be sent to the Council along with the amendments. The question is whether we should discuss only the amendments or the amendments along with the Bill.

Mr. PRESIDENT: It is not necessary as you cannot re-open all the clauses of the Bill, His Excellency having simply recommended certain amendments to certain clauses of the Bill. He has not sent back the whole Bill.

Mr. D. N. ROY: May I know who will move these amendments?

Mr. PRESIDENT: Under section 66 of the Standing Orders I have to put these amendments one by one and you are to take them as duly moved. There will then be a general discussion on them and they will be voted upon in the same manner as ordinary amendments to a Bill.

Mr. JOGESH CHANDRA GUPTA: May I point out that the procedure of the whole Bill not being put before the House has resulted in this difficulty that if certain amendments which have been proposed are carried, while the other provisions of the Bill remain, these amendments will be ineffectual. I can cite particularly Srijut Taraknath Mukerjea's amendments; he has proposed certain amendments to the provisions going to be put before the House; if those amendments are carried, there are other provisions of the Bill which nullify the amendments. I am pointing out this only to draw your attention whether the whole Bill ought to come up, as otherwise such difficulties will arise.

3-45 p.m.

Mr. PRESIDENT: I have already decided that point; but, do you mean that consequential amendments may be necessary?

Mr. JOGESH CHANDRA GUPTA: Yes.

Mr. PRESIDENT: But consequential amendments may always be made, if required.

Dr. BIDHAN CHANDRA ROY: Sir, my point is this. It is the way you look at the Bill as a whole. If the whole Bill is before us, then it will be easier for us to follow the consequential amendments.

Mr. PRESIDENT: Dr. Roy, if you read section 81A (*1*) of the Government of India Act you will find that the Governor may send back a Bill either in whole or in part and in the present case he has not sent back the whole Bill, as I have already told you.

Bill, clause 2.

Mr. PRESIDENT: The question is that—

(*i*) to proposed section 20 (*1*) the following shall be added, viz.:—

"Subject to the approval of the District Magistrate:

Provided that if the Union Board fails, within two months from the time when the vacancy occurs or from the date when the disapproval of the District Magistrate is communicated to the Union Board, to make an appointment, the District Magistrate shall appoint any person whom he thinks fit to be a dafadar or a chaukidar."

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): This and the rest of the amendments referred to the Council by His Excellency the Governor aim at restoring to the District Magistrate the minimum amount of control over the village Police which His Excellency thinks necessary for the peace and safety of the rural areas of Bengal. I have very little to say on the subject because all the arguments against doing away with this control are contained in the speeches delivered by my Hon'ble colleague, and reinforced by Mr. Hopkyns and those non-official members who opposed the precipitate passing of this Bill on the 6th of August last. If, owing to the breakdown of the loud speakers, members could not hear the Hon'ble Nawab Sahib properly, I may point out that they have since had the opportunity to read his speech in the printed proceedings. I would only reiterate certain points which were left unanswered or not effectively answered in the former debate by the supporters of the Bill. There was, for instance, no reply to the statement that in no civilised country, however democratic its institution, has untrammelled authority over the rural police been entrusted to a local body. I

repeat this statement and would ask the members of this Council why is it that Bengal should shut its eyes to the collective wisdom and experience of advanced communities in all other parts of the world. Rai Harendranath Chaudhuri in his speeches said a great deal about the Act of 1870 which left the panchayat free to appoint whom they liked as village chaukidars; and allowed them within certain limits to fix the number and the salaries of the village police. He skated lightly over the fact that the system had already proved a failure and had to be abandoned. It was given up because it was not successful and not out of any desire to give more power to the District Magistrate. Apart from this there is no analogy between conditions under the old Act of 1870 and the Village Self-Government Act of to-day. The Union Board is a body which contains a two-thirds elected element, which chooses its own president, having a lifetime of three years. There is a vast difference between such a body and the old panchayat who were simply the nominees of a District Magistrate and could be removed by him at any time if they abused their powers. Under the old system, the District Magistrate simply delegated part of his authority to his own nominees among the villagers. If they did not fulfil his wishes he took away their powers and delegated them to others.

Another point left unanswered was the Hon'ble Nawab Sahib's allusion to section 36 of the Act by which the Union Board's powers to appoint any establishment other than dafadars and chaukidars are subject to the Local Board's control. By leaving this section untouched he has shown that the real object of his Bill is not to free Union Boards from its trammels but to undermine the District Magistrate's authority. The proviso to this amendment is simply to make provision for the situation that might arise should the Union Board fail to make a nomination.

As regards the amendment to be moved by Mr. Taraknath Mukerjea transferring power from the District Magistrate to the Chairman of the District Board, I must ask the mover of this amendment to refer himself to the Village Self-Government Act when he will see that the law provides for a sort of diarchy in the system of control for Union Boards. In matters concerning dafadars and chaukidars, Union Boards are controlled by the District Magistrate who is responsible for law and order in his district.

As regards what I may call the nation-building activities of Union Boards, they are under the control of the District Board, which is responsible for communications, primary education, public health and so on in the district. The Chairman of the District Board has nothing to do with the village police, and to make the proposed change would be entirely contrary to the principles underlying the Act concerned.

As for the amendment proposed by Rai Satyendra Nath Roy Choudhuri Bahadur by which the words "with the concurrence of the Union Board" are to be added to this proviso, I must point out that the whole object of this proviso is to——

Mr. PRESIDENT: Order, order, you cannot refer to that amendment at this stage because it has not been moved as yet.

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: With your permission I shall explain this later on.

I trust that what I have stated will appeal to the members of the House, and especially those who have taken the trouble to study the Act with a view to suggesting amendments therein.

The following amendment, which stood in the name of Rai Satyendra Nath Roy Choudhuri Bahadur, was called but not moved:—

"That in amendment No. (*i*) to clause 2 of the Bill in the proviso, lines 5 and 6, to proposed section 20 (*1*), after the words "Magistrate shall appoint" the following words be inserted, namely:—

"with the concurrence of the Union Board."

Babu BEJOY KRISHNA BOSE: I beg to oppose this amendment. I have listened with the greatest attention to the very learned thesis on the benefits of the Union Boards read out for our benefit by the Hon'ble Minister. The question before the House is not whether the Union Boards are better than the Panchayat Unions or whether the District Boards have any control over the Union Boards. The plain question before the House is—who is going to appoint the chaukidars and dafadars? Even in a small matter like this, when this House passed the other day a Bill by which the power of appointment was given to the members of the Union Board, we find that the advisers of His Excellency have advised him to send back this Bill as unacceptable to the Government. That is an earnest, Sir, of what we are going to get in the shape of reforms at the hands of the Simon Commission. Now, the most wonderful thing is this—the Hon'ble Minister who to-day reads out a speech in favour of this amendment was the one who voted on the 6th of August, 1928, along with us, the members on this side of the House, in favour of the motion of Rai Harendranath Chaudhuri. That was in the days when his conscience was clear, when he could vote at his ease. Now, Sir, he is—I am not going to say the servant of Government—but he is a brown bureaucrat, and he has changed his opinion. Possibly he thought it best not to deliver an *extempore* speech but to read out something written by one of his official subordinates or superiors, whoever he might be. Now as

to the question whether the Union Boards should appoint the chaukidars and dafadars or the District Magistrate will do so, I shall read out to you, Sir, a portion of the speech delivered by the President of a Union Board, not a political agitator, not even a Congressman. At the last annual meeting of the Union Boards Association of the district of the 24-Parganas, which was opened by the Hon'ble Sir P. C. Mitter when he was the Minister in charge of Local Self-Government and in which Mr. Sachse and others were present, the President of that Conference read out a speech. In that speech in the presence of the Hon'ble Sir P. C. Mitter he said, "Under the village self-government powers are conferred upon both the District Boards and the local Government to make various grants for various purposes, and though the District Boards have hitherto been making some grants, although reducing them every year, the Government have not yet come forward as it ought to have done. Under section 37 (*a*) of the Act Government should make some contribution towards the salary of dafadars and chaukidars."

Then I come to the paragraph which is pertinent to the question before us. He said, "While not paying anything for the maintenance of the village police, the Government is reluctant to part with their powers for the appointment and dismissal of these dafadars and chaukidars. Neither have the Government given the power of fixing the number of dafadars and chaukidars employed in the Union Boards and the salary to be paid to them by the Union Boards. Every power has been left to the District Magistrate. This is what the people resent, and Government ought to see its way to remove the legitimate grievances of the people. If the Government want to control the village police they ought to meet them half way towards the contribution to the cost of the village police."

This is the speech of the President of a Union Board in the interior of the Baraset subdivision in the 24-Parganas. He feels, as we all feel here, that the Government while not paying towards the contribution for the salaries of chaukidars and dafadars wants to control the appointment of these chaukidars and dafadars through the District Magistrate. Cannot the Government trust the Union Boards to appoint their own chaukidars and dafadars? Will this Government come to an end if chaukidars and dafadars are appointed by the members of the Union Board? After all does the District Magistrate appoint them? The Government wants to control the village police through the District Magistrate, but what is the control of the District Magistrate? Supposing the District Magistrate is a popular District Magistrate, even then he will not himself appoint these chaukidars and dafadars. He has no eyes to see nor ears to hear except what he sees and hears through his subordinates. Therefore, ultimately it comes to this—whatever the Assistant Sub-Inspector or the munshi

of the thana would recommend it would get the sanction of the District Magistrate. Do not the members of this House think that the members of a Union Board are more respectable, have got more sense of responsibility than the Assistant Sub-Inspector or the munshi of a thana?

4 p.m.

This is the crucial test, the acid test, upon which depends whether any power is going to be given to us. If we cannot control, if we cannot appoint, our chaukidars and dafadars, do you think that the *Ram Rajatya* will come here after the report of the Simon Commission is published, upon which many people are pinning their faith?

Dr. PRAMATHANATH BANERJEA: Sir, I rise to oppose this amendment. I will not go into the merits of the question. To me this amendment is objectionable in principle. The question is not whether a chaukidar is to be appointed by the Union Board or by the District Magistrate, but whether laws are to be made by the Legislature or by the Executive. The Bengal Legislative Council enacted a certain piece of legislation some time back. The measure was a very small one. His Excellency the Governor has now sent it back to us for reconsideration. On what grounds? Was this matter insufficiently considered by the Council at that time? Were no amendments moved? Was the Bill passed in a hurry? If these were the grounds, I would have understood the position. But things are quite different. The Bill was thoroughly considered; amendment after amendment was moved and either rejected or accepted by the House. I fail to see why the Bill has been sent back to us for reconsideration. The question is not one of trifling importance. It involves a grave matter of constitutional principle. As at present constituted, the Bengal Legislative Council possesses very limited powers. Now, if an attempt is to be made to encroach even upon these limited powers, I think this House should resist such an encroachment. It is our duty—our bounden and solemn duty—to oppose this amendment.

Maulvi ASIMUDDIN AHAMAD delivered a speech in Bengali, the English translation of which is as follows:—

"Sir, while many of my friends can have an idea of the disadvantages of the Union Board only by a study of the defects in the Village Self-Government Act, I am one who has a practical experience of the disadvantages, because I live in the village and was connected with the Union Board for a long time. In last August, only six months ago, a few amendments were made in the Bill as the result of a motion of Rai Harendranath Chaudhuri. What can be the reason that Government have put additional work on the shoulders of the members by

pressing for amendments of the same sections, without waiting to see how the amended law worked when put into practice and whether the Boards were guilty of any incompetence. This illegitimate interference with a Transferred Subject is ridiculous. When the Union Board members do not pay the salaries of the chaukidars and dafadars their goods are attached and other rigorous methods (*e.g.*, imposition of punitive police) are applied. This was done at Mahini and other places in Tippera to realise money from them. If the Union Board members and Presidents are to pay the chaukidars and dafadars, why should they not have power to appoint them? Since Government do not contribute at all towards their salary, what justification is there for District Magistrates to appoint these men? In reality Union Boards are in a position better fitted to select suitable men for these posts than District Magistrates. Practically the Circle Officers will do this work in spite of the letter of the law. As it is, having no power over these men the Union Boards cannot compel them to do any work. Except reporting themselves at the police-station once a month they do not do any work at all. From time to time they are seen carrying cycles for Police Sub-Inspectors and Circle Officers. We would not make any objection if chaukidars were kept up for this work and Government paid them from their own pockets.

In August last the Hon'ble Nawab Musharruf Hosain said that the power of appointment of chaukidars and dafadars could not be given to irresponsible Union Board Presidents and members. This has been repeated now by the Hon'ble Raja of Nashipur. The Union Board consists of 3 nominated members who at least are well educated out of 9 members, Government cannot say that at least these members are irresponsible. It is very surprising that Government can trust the Union Board with bench powers and declare in the same breath that it is unfit to appoint chaukidars on 5 or 6 rupees a month and dismiss them. Most of the members of the Board engage servants of their own on such wages. Do not Government realise that such an attitude is calculated to bring them into disfavour of the public? If the Local and District Boards can appoint and dismiss their servants, why should not the Union Boards have the same power? I am of opinion that Government would have acted impartially and generously had they entrusted the power of hearing appeals regarding dismissal of chaukidars to the elected Local or District Board instead of entrusting it to the District Magistrate, as in the Bill.

By re-introducing the Bill in the House, Government have slighted the elected representatives of the people and are withdrawing power conferred on the public. Government have not given any power or any money to the Union Board they have merely formed a sham Board in the village to realise money to pay chaukidars and dafadars. For

this reason we refuse to accept Union Boards. What would Government have lost by entrusting these bodies with real power? My friend Mr. Bose has assured Government that the Union Boards are not Congress offices, nor are the members of these workers of the Congress. Why, then, are Government so apprehensive? I repeat that Government are insulting the people by re-submitting this amended Bill and I call upon my friends to oppose it."

[At 4-15 p.m. the Council was adjourned and it re-assembled at 4-30 p.m.]

Babu SURENDRA NATH BISWAS: In this amendment I find that Government are showing a mentality of unnecessary quarrel with the public. The Union Board is regarded as a unit of self-government, that is, the Government profess that these Union Boards will govern themselves and their affairs in the villages. Now there are some police officers who are known as chaukidars and dafadars and are attached to Union Boards and paid by the public with money raised by a tax assessed under section 37 (*a*). The Union Boards have to do other works of public utility by raising taxes under section 37 (*b*). As far as the function of the Union Boards in respect of village self-government—or government of the transferred subjects I should like to say—is concerned they have been given the power to raise taxes and to do works of public utility. But the difficulty arises as to their power over the chaukidars and dafadars. Had they not been attached to the Union Boards I am sure no Union Board would like to insist on control over the police forces of Government. But the Government have placed themselves in a difficult position by attaching the chaukidars to Union Boards. I quite appreciate the difficulty of Government. Government think that the chaukidars and dafadars are their servants; so they may naturally want to have full control over their own servants. But at the same time we see that the chaukidars and dafadars are so attached to the Union Boards and that they are necessarily the servants of the Union Boards also. Now if they are the servants of the Union Boards then the Union Boards should be allowed to exercise full control over their servants. Herein comes the difficulty because one and the same person happens to be the servant of two bodies, one the Government and the other the Union Board and both the bodies like to have control over them. This difficulty, as I suggested in August last, can be met by Government separating their own officers from those of the Union Boards. Let the Government have their own chaukidars and dafadars and let the Union Boards have their own peons and servants. If that is done there would be no quarrel between Government and the Union Boards over this matter. If the Government approve of my suggestion they may legislate in any way they think it best. But so long as the Government recognise that the chaukidars and dafadars are servants of the Union Boards they should in

all fairness and in all sense of justice—if they have any at all—allow the Union Boards to exercise full control over the chaukidars and dafadars.

I should add that Rai Harendranath Chaudhuri was liberal enough to allow the District Magistrate to interfere in the dismissal of chaukidars and dafadars. Although I do not agree with that, still as Rai Harendranath Chaudhuri, one of our leaders, had conceded so far I agree to that extent. Now as the Bill stands past that stage, we should resent any further interference on the part of Government and with these words I oppose the amendment.

Srijut BIJAY KUMAR CHATTERJEE: Sir, I beg to oppose the amendment proposed on behalf of the Government. The amendments cannot be supported either on principle or on facts. We have sufficient experience of the working of the Union Boards and the country is unanimous on this point and there cannot be any other decision. We are in duty bound to throw out these amendments. The Government is not prepared to give this small power to the people of our country, and even the appointment of village chaukidars and dafadars and their removal must be in the hands of the Government officials. These are the reasons why the people of the district of Bankura unanimously opposed the establishment of Union Boards. The District Board, which truly represented the opinion of villagers of our district, very reasonably and consistently refused its grant to Union Boards. The Government officers realised the force of this opposition and tried their best to establish Union Boards by threat, force and fraud. Being unsuccessful in their dishonest endeavour they at last refused the augmentation grant to the District Board of Bankura. And I am voicing the views and well considered opinion of my constituency when I say that the people of the district of Bankura are unanimously against the establishment of Union Boards as they are constituted and I take this opportunity to inform the hon'ble members of this Council that the people of my district are bravely fighting against the establishment of Union Boards and have suffered much for this and are still suffering and while congratulating the people of my district for this, I request the elected hon'ble members of this Council to show a bold front against this shameful attempt on the part of this foreign Government to treat the villagers of our country as slaves beyond redemption.

With these words I oppose the amendment.

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. J. C. Drummond): Is the member in order, Sir, to describe His Excellency's action as shameful?

Mr. PRESIDENT: I did not hear Mr. Chatterjee say so. Did you really cast any reflection on His Excellency's conduct?

Srijut BIJAY KUMAR CHATTERJEE: No, Sir, I said shameful act on the part of Government and not of His Excellency.

I have nothing further to add, Sir.

Srijut TARAKNATH MUKERJEA: I rise to oppose the Government amendment. It involves a great question of principle but the principle is a very simple one. The main question is whether one who pays for the piper is entitled to call for the tune. It is the Union Boards which entirely meet the cost for the salaries and equipment of the chaukidars and dafadars. Now we are to decide whether the Union Boards are entitled to appoint or dismiss these chaukidars and dafadars. Police constables are entirely maintained by Government and I am quite sure that Government will not agree to put these constables under the control of municipal authorities. Similarly in the case of Union Boards I think that the Union Boards are perfectly entitled to have control over these chaukidars and dafadars. The present arrangement is in fact a dyarchical system which is working most unsatisfactorily and I shall cite only a single instance from my own personal experience, though I can cite a thousand and one examples, that the Union Boards are most improperly treated by the officials in the discharge of their duties. It so happened that a certain dafadar was dismissed on the unanimous decision of a Union Board for some disgraceful act, but the Sub-inspector of Police took up his cause and wrote a strong note in favour of the dafadar and when the question was put up before the District Magistrate the District Magistrate ordered that the particular dafadar should not be dismissed. Although the Union Board was fully convinced that the dafadar was guilty, the Magistrate recommended that the Union Board should be superseded; and if this be the state of affairs I am quite sure that no self-respecting gentleman will agree to work in the Union Boards.

Then again, under section 27, clause 3, in the case of a dispute between the public and the Union Boards an appeal always lies with the Chairman of the District Board but I do not know why in this case Government are not willing to allow the Chairman of the District Board to try the appeal in the case of dismissal by a Union Board of a chaukidar or a dafadar.

In conclusion I again appeal to the House to reject the amendment which has been moved on behalf of Government.

Dr. BIDHAN CHANDRA ROY: May I ask for information as regards the ruling? In this case you have moved the amendment.

Has the Hon'ble Minister-in-charge the last say in the matter as he has in other matters concerning his departments? Or can any member speak after the Hon'ble Minister?

Mr. PRESIDENT: Yes, any member may speak after him. The Hon'ble Minister has no right of reply in this case.

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: The amendment proposed by the Hon'ble Minister really takes away the true spirit of the Bill. The free hand of the Union Board in appointing a chaukidar and dafadar is not only limited but crippled to such an extent that it is no advance upon the present Act. The Village Self-Government Act has been in force for nearly 10 years and many Union Boards have been established and worked for these years. Have they been unsuccessful? If so, why is Government anxious to extend them further? The very fact that Government is gradually extending the operation of the Act shows its success and Government has not been slow to admit it. If the established Union Boards have been successful why not develop their powers—why should we not give them a further step to self-government. The chaukidars and dafadars are paid by the Union Boards—the rate-payers' money maintains them. Is it not an anomaly that the representatives of the rate-payers cannot appoint and remove them?

The appointment of chaukidar and dafadar is now under dual authority. They have to secure the choice both of the Circle Officer and the Sub-Inspector of Police. If he is a nominee of the Circle Officer without Sub-Inspector's approval—his chaukidar's life will be a miserable one and I think without the Circle Officer's approval he cannot get in. If we give the Union Board a real power in this direction this difficulty will disappear but if we now make the appointment of these persons by the Union Board subject to the approval of the District Magistrate, they shall have to secure the choice of three distinct sets of authorities, viz., Union Board, Circle Officer and Sub-Inspector of Police; any one of the last two sets may move the District Magistrate through their respective channels to withhold his approval. It is not possible for the District Magistrate to enquire into each such case personally.

4-45 p.m.

Babu AMARENDRA NATH GHOSE spoke in Bengali, the English translation of which is as follows:—

"Sir, I stand to oppose the amendments moved by the Hon'ble Minister. It is human nature that every man dislikes any kind of interference to his authority or power of appointing his own servants.

Union Boards tax their own villagers for the maintenance of their own chaukidars. Chaukidari tax is purely their own money. Government has no share in it. Then why the Union Board will be satisfied with the interference of the District Magistrate at the time of appointing their chaukidars and dafadars? Moreover, it may be added here, the approval of the District Magistrate is not his approval. District Magistrate's approval really means the approval of the thanadar or the senior officer of the police-station. Probably it will not be far from truth if I say that up to date not a single case has been personally done by any District Magistrate of Bengal.

If the Government has any necessity of its own to keep the chaukidars and dafadars, then it may keep separate men with its own money. Why the Government is so eager to utilise the service of another's servants?

The people of urban area pay union rate at the same rate as that of municipal tax. They pay cess of which the people of municipal area are exempted. Again, another tax is going to be levied on them shortly as Education cess. But curiously enough the town police, who are kept for the safety of lives and properties of municipal men, are paid by the Government from the provincial revenue, whereas the people of urban area are to keep their village watchmen at their own cost who are to serve the Government more than their own masters. The demand of the villagers is plain and simple. They want to have full control of their own money.

Sir, I want to urge another point. Many responsible duties have been entrusted to the members of Union Boards, such as sanitation, communication, primary education, process serving, taxation, inquiry of unnatural death, water-supply, etc., etc., and in some cases even the judicial power of a Magistrate has been entrusted to them, but I am at a loss to understand how the Government can imagine them to be unfit for appointing a servant of six rupees without food. Here the Government is so inconsistent that any amount of logic cannot reconcile this awkward situation. With these observations I strongly oppose the amendment."

Babu PROMOTHA NATH BANERJEE delivered a speech in Bengali.

The Hon'ble Mr. A. N. MOBERLY: Sir, two points have been raised in this debate regarding which I should like to say a word or two. Babu Bejoy Krishna Bose said that the question was, who was going to appoint the dafadar—the Union Board or the District Magistrate? He further said that Government were expected to make some contribution under section 37 (*a*) but apparently they were reluctant to do so. I think that this Council has heard some time

ago that section 37 (*a*) was not intended to mean that Government was going as a matter of course to contribute towards the pay of the chaukidars and dafadars. The reason for this enactment was that at the time there was an experiment going on in the Madaripur subdivision of the Faridpur district. Under that experiment Government made a contribution towards the pay of the dafadars for certain specific purposes, and in order that they might continue to do so, this clause was inserted. The experiment has since been abandoned and Government contend that there never was any undertaking that Government should make any contribution under section 37 (*a*) at all.

The next point is that it is not proposed that anybody except the Union Board should normally appoint chaukidars and dafadars, unless the Union Boards default in their duty. All that is necessary is that the District Magistrate's approval should be obtained. In most cases—in the large majority of cases—this is purely a formal matter. I have heard it mentioned by a member this afternoon that cases have occurred where the villagers made representations to the District Magistrate against the choice of the Union Board and the District Magistrate turned down the representations on the ground that the Union Board should be supported. It is only in cases in which there is something of the nature of a scandal—as for instance where a Union Board is split into two or more parts by party factions, or where the Union Board appoints an *ex*-convict or a bad character—will the District Magistrate think of interfering, but I do maintain, Sir, that in order to deal with these exceptional cases, not only for the good of the Union itself but also for the good of the surrounding Unions—it will be very dangerous if the bad characters in a particular Union are not properly looked after -it is necessary that the District Magistrate should have the residual power to interfere.

The only other point which I wish to deal with is the question raised by Dr. Pramathanath Banerjea when he said—are laws to be made by the legislature or by the executive? The legislature no doubt makes laws, but under the Government of India Act as it stands at present the Governor can refuse to give his assent to a Bill which has been passed or send it back for reconsideration with or without amendments. In this particular case His Excellency has taken the course of sending the Bill back with certain amendments for the consideration of this House. I may mention in connection with these amendments that practically all of them at one time or other have been agreed to or accepted by Rai Harendranath Chaudhuri, the author of the present Bill.

Dr. BIDHAN CHANDRA ROY: I would not have intervened in this debate except for one sentence in the speech of the Hon'ble Mr. Moberly. He says that in order to save the Union Board from committing a mistake in appointing an *ex*-convict of a bad character,

the District Magistrate must come in to protect them from such acts of indiscretion. Sir, of all surprises one meets with in these days—we are faced with the same things in the Legislative Assembly—the greatest surprise is that a member of the Indian Civil Service is considered to be more cognizant of the needs and wants of the members of the public more than the members of the public themselves. That a Union Board will deliberately appoint an *ex*-convict of a bad character to be a dafadar or a chaukidar to protect its own property is a proposition which we are asked to swallow because it comes from a person whose word must be law in the matter. Times without number we have been told that "you people of this country still need spoon-feeding," "you do not understand what is good for you." We are told that we may, in a fit of insanity, appoint an *ex*-convict as the protector of our village properties, and therefore, some one else must save us from such insane act.

5 p.m.

I like to ask members of the Government benches to let us know when they will cease thinking in this way. I am reminded of one occasion on which I had a long conversation with an *ex*-Chief Secretary of the Bengal Government. After a long talk he put me a pertinent question, "Dr. Roy, it seems you people of the country do not trust us." My reply was that after a service of thirty years in India he ought to have been convinced of the truth of the saying without asking me that question. What appears to me to be peculiar is this, that while the people of this country do not trust the members of the bureaucracy, the latter are anxious to save the people in spite of such mistrust—To say the least, this is a queer presumption.

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I should like to say a few words with regard to the question that has been raised in connection with the salary of the dafadars and chaukidars. We know that the village police consists of constables, dafadars and chaukidars. The pay of head-constables and constables are paid by Government; as a matter of fact, Government does contribute to the pay of the village police.

In reply to Mr. Biswas' criticism I should like to make a statement here.

The dafadars and chaukidars have two-fold duties to perform, first that of watch and ward and the detection of crime as the village police, secondly, the collection of taxes and other duties under the Union Board. In respect of the former the control of the District Magistrate over dafadars and chaukidars, as members of the village police, is essential. If it were possible to separate the two sets of duties, Government would not seek to insist on the right of minimum

control by the District Magistrate over servants employed purely for work in Union Boards. The final say in regard to these appointments rests not with the Circle Officers, but with the District Magistrate himself.

With regard to Dr. Bidhan Chandra Roy's question, I should like to state that it is not the uniform rule that convicts are appointed, but in certain cases convicts or bad characters managed to slip on owing to perversities exercised or owing to party faction.

Dr. BIDHAN CHANDRA ROY: On a point of order, Sir. May I inquire if that is his conviction?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: That may or may not be, still I would say that such cases may happen inadvertently at times. To guard against this there is no harm done in inserting this clause. About 99 per cent. of these appointments are actually made by the President and the District Magistrate does not choose to interfere with them. Only in a few instances would the Magistrate interfere, and only when a special occasion arose.

The motion was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Nazar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Dash, Mr. A. J.
Drummond, Mr. J. S.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Ghuznavi, Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Goenka, Rai Bahadur Badridas.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Habibullah, Nawab Khwaja.
Hague, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hussain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ehramul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Jenkins, Dr. W. A.
Kasem, Maulvi Abul.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Laird, Mr. S. S.
Lamb, Mr. T.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Martin, Mr. C. S.
McCluskie, Mr. E. T.
Mitter, Rai Bahadur Manmatha Nath.
Mitter, the Hon'ble Sir Prevash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Ormond, Mr. E. C.
Philip, Mr. J. Y.
Philpot, Mr. H. C. V.
Prentice, Mr. W. S. R.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F.
Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Ray Chaudhuri, Mr. K. C.
Rose, Mr. G. F.
Roy, Mr. Bijoy Prasad Singh.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Mr. Abdest Razak Hajee Abdest
Sinha, the Hon'ble Raja Bahadur Bhupendra Narayan.
Sulaiman, Maulvi Muhammad.

Stapleton, Mr. H. E.
Tate, Major-General Godfrey.
Thomas, Mr. H. W.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

NOES.

Ahamad, Maulvi Asimuddin.
Bagchi, Babu Romes Chandra.
Banerjee, Dr. Pramathanath.
Banerjee, Babu Premotha Nath.
Basu, Mr. P. C.
Basu, Mr. Sarat C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Chakraburtty, Babu Jatindra Nath.
Chakravarti, Babu Jogindra Chandra.
Chatterjee, Srijut Bijay Kumar.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Himatsingha, Babu Prabhu Dayal.
Hoque, Kazi Emdadul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Lala, Babu Saroda Kripa.
Maiti, Babu Mahendra Nath.
Mukerjee, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Pal Chaudhuri, Mr. Ranjit.
Poddar, Mr. Annanda Mohan.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rauf, Maulvi Syed Abdur.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.

The Ayes being 62 and the Noes 40, the following motion was carried:—

"To proposed section 20 (*1*) the following shall be added, viz:—

Subject to the approval of the District Magistrate:

Provided that if the Union Board fails, within two months from the time when the vacancy occurs or from the date when the disapproval of the District Magistrate is communicated to the Union Board, to make an appointment, the District Magistrate shall appoint any person whom he thinks fit to be a dafadar or a chaukidar."

Mr. PRESIDENT: The question is that—(*ii*) in proposed section 20 (*2*), after the words "Union Board" the words "or the District Magistrate" shall be inserted.

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: As regards the second and third of His Excellency's amendments which are intended to give the Union Board and the District Magistrate concurrent powers of dismissal, without restricting the Magistrate in the exercise of these powers, by allowing him to punish dafadars and chaukidars for neglect of certain specified duties only, I must point out that the clause, as it was previously left by the Council, does not conduce to good administration. If the District Magistrate is to have proper control over the village police, his powers

should not be fettered. He should be in a position to dismiss any dafadar or chaukidar who persistently neglects his duties whatever the nature of that neglect may be, so long as the neglect is culpable.

The following amendment was called but not moved:—

"**Rai SATYENDRA NATH ROY CHOUDHURI Bahadur** to move that in amendment No. (*ii*) line 2, to clause 2 of the Bill, in proposed section 20 (*2*), after the words "or the District Magistrate" the following words be inserted, namely:—

"with the concurrence of the Union Board."

The motion was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahemad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Haffzar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Ghuznavi, Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Goenka, Rai Bahadur Badridas.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Habibullah, Nawab Khwaja.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hossain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Jenkins, Dr. W. A.
Kasem, Maulvi Abul.
Khan, Maulvi Tamizuddin.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Laird, Mr. R. B.
Lamb, Mr. T.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Martin, Mr. C. S.
McCluskie, Mr. E. T.
Mitter, Rai Bahadur Manmatha Nath.
Mitter, the Hon'ble Sir Provash Chunder
Moberly, the Hon'ble Mr. A. N.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Ormond, Mr. E. C.
Philip, Mr. J. Y.
Philpot, Mr. H. C. V.
Prentice, Mr. W. D. R.
Rahman, Maulvi Shamsur-.
Rehman, Mr. A. F.
Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Ray Chaudhuri, Mr. K. C.
Rose, Mr. G. F
Ray, Mr. Bijay Prasad Singh.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Mr. Abdeel Razak Hajee Abdeel.
Sinha, the Hon'ble Raja Bahadur Bhupendra Narayan.
Sulaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Tate, Major-General Godfrey.
Thomas, Mr. N. W.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

NOES.

Ahamad, Maulvi Asimuddin.
Bagchi, Babu Remes Chandra.
Banerjee, Dr. Pramathanath.
Banerjee, Babu Prometha Nath.
Basu, Mr. P. C.
Bose, Mr. Sarat C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Chakrabortty, Babu Jatindra Nath.
Chakravarti, Babu Jogindra Chandra.
Chatterjee, Srijut Bijay Kumar.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.

Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghosh, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Doyal.
Hoque, Kazi Emdadul.
Lala, Babu Sarada Kripa.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Naskar, Babu Nani Chandra.
Pal Choudhuri, Mr. Ranjit.
Rauf, Maulvi Syed Abdur.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Ray, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Nalinaranjan.
Sen, Srijut Nagendra Nath.

The Ayes being 62 and the Noes 34, the following motion was carried:—

"In proposed section 20 (2), after the words 'Union Board' the words 'or the District Magistrate' shall be inserted."

5-15 p.m.

Mr. PRESIDENT: The question is that—

(*iii*) from the proposed section 20 (2), the following shall be omitted, namely:—

"and the District Magistrate may dismiss any dafadar or chaukidar who has failed to exercise the powers or to perform the duties referred to in section 23;"

(*iv*) in the proviso to proposed section 20 (2) after the words "the views" the words "if any" shall be inserted; and

(*v*) at the end of proposed section 20 (2) the following further proviso shall be added, namely:—

"Provided also that in case of an order by a Union Board dismissing a dafadar or a chaukidar an appeal shall lie to the District Magistrate whose decision shall be final."

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: With regard to the third amendment just put by you, I have nothing to add to what I have already stated in connection with the previous amendment.

With regard to the fourth amendment I have very little to say. This addition is only proposed in order to prevent a deadlock, should a Union Board decline or omit to express any view.

As regards the fifth of His Excellency's amendments which allows a dafadar or a chaukidar who has been dismissed by a Union Board the right of appeal to the District Magistrate, I wonder whether any supporter of Rai Harendranath Chaudhuri's Bill has discussed it with the persons most affected, I mean with any dafadars or chaukidars, and whether in the course of such talk he has learned that the village

Police themselves would be willing to have the unrestricted power of dismissal left in the hands of Union Boards without any right of appeal. I very much doubt if any such conversation could have taken place and if any supporters of the Bill would be found among the dafadars and chaukidars themselves. The amendment referred to the Council by His Excellency simply gives these humble people a safeguard against hasty or ill-considered action on the part of Union Boards. I should like in this connection to call the attention of the House to the statement from the pen of Rai Harendranath Chaudhuri himself contained in his Note of Dissent to the report of the Select Committee on the former Bill which he introduced in 1925. He wrote in that note "In clause 2 of the Bill—as it was framed by me—the power to dismiss dafadars and chaukidars was proposed to be conferred on the Union Board subject of course to the subsequent approval of the District Magistrate." The words "of course" are very significant. The mover of the Bill at the time thought that the District Magistrate's approval to an order of dismissal was essential as a safeguard. Apparently, however, events have moved so quickly in the course of the last three years that not all the 4,000 Union Boards which are already working but, the 1,500 or so which still remain to be formed, can be trusted with unrestricted powers of dismissal.

With these words I beg to support the amendments which have been returned by His Excellency.

The following amendments were called but not moved:—

"**Srijut TARAKNATH MUKERJEA** to move that in amendment No. (r) to clause 2 of the Bill in the proposed new proviso, line 3, to section 20 (2) for the words 'District Magistrate' the words 'Chairman of the District Board' be substituted."

"**Babu MANMATHA NATH ROY** to move that in amendment No. (r) to clause 2 of the Bill in the proposed proviso, line 3, to section 20 (2) for the words 'District Magistrate' the words 'District Board' be substituted."

Dr. BIDHAN CHANDRA ROY: May I ask the Hon'ble Minister whether he would put the qualification of the dafadar and chaukidar so that they may not happen to be *ex*-convicts or of bad character?

The following amendments were then put and agreed to:—

"From the proposed section 20 (2), the following shall be omitted, namely:—

'and the District Magistrate may dismiss any dafadar or chaukidar who has failed to exercise the powers or to perform the duties referred to in section 23.'"

"In the proviso to proposed section 20 (2) after the words 'the views' the words 'if any' shall be inserted.

"At the end of proposed section 20 (2) the following further proviso shall be added, namely:—

'Provided also that in case of an order by a Union Board dismissing a dafadar or a chaukidar an appeal shall lie to the District Magistrate whose decision shall be final.'"

Mr. PRESIDENT: The question is that—(*vi*) in proposed section 20 (*3*) after the figures "1928" the following shall be inserted, namely:—

"or in any local area which is declared to be a union after the commencement of the said Act."

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: It is a matter of mere drafting and I have nothing to add.

The motion was then put and agreed to.

Bill clause 3.

Mr. PRESIDENT: The question is that—(*vii*) to proposed first paragraph of sub-section (*1*) of section 21 the following shall be added, namely:—

"subject to the approval of the District Magistrate."

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: The effect of this amendment will be to require the approval of the District Magistrate to the number, salaries and equipment of the dafadars and chaukidars. In these matters also some measure of control is necessary to ensure that a sufficient but not excessively large number of chaukidars should be employed, that they are adequately but not extravagantly paid and that they should wear a cheap and serviceable uniform which makes them easily recognisable as to what they are. I think myself that the sub-section with the amendment proposed will be an improvement not only on the corresponding sub-section in Rai Harendranath Chaudhuri's Bill, but on the corresponding provision in the present Act. It leaves to the Union Board the main voice in these matters, but requires the approval of the District Magistrate as a necessary safeguard. In practice the Union Board themselves have the main voice in these matters, at least in regard to number and salaries of the chaukidars; but it is as well to recognise this in the actual wording of the law.

With these words I beg to support the motion.

5-30 p.m.

The following amendments were called but not moved:—

"**Babu MANMATHA NATH ROY** to move that in amendment No. (*vii*) to clause 3 of the Bill in proposed section 21 (*1*) for the words 'subject to the approval of the District Magistrate' the words 'subject to the approval of the District Board' be substituted.

Srijut TARAKNATH MUKERJEA to move that in amendment No. (*vii*) to clause 3 of the Bill in proposed section 21 (*1*) for the words 'subject to the approval of the District Magistrate' the words 'subject to the approval of the Chairman of the District Board' be substituted."

Babu KHAGENDRA NATH GANGULY: After two recent defeats that we have suffered I think it is useless for me to speak in opposition. But I rise only to raise my voice of protest against the principle involved in this case, namely, the deliberate attempt to regard the District Magistrate as the last voice in these matters. This is a principle which I cannot but protest against in this Council. Sir, some of the previous speakers have said that it is not the District Magistrate who is the real authority in these matters but either the Circle Officer or the Sub-Inspector of Police. I go further and say that if it be even the District Magistrate this principle should be condemned. If the Village Self-Government Act means anything it means that the villagers govern themselves and their own affairs; but if on the contrary the District Magistrates are given this power of having the final voice in such petty things such as the appointment and dismissal of chaukidars and dafadars and the nature of equipment to be supplied to them the whole thing totters to the ground and the Bill does not stand in the same position as it did at the time it was introduced by Rai Harendranath Chaudhuri. As a matter of fact if we pass this amendment we shall be failing in our duty towards our country and therefore I raise my voice of emphatic protest against it and ask you to reconsider the position—whether the District Magistrate should be the final authority and if you have confidence enough in him to think that he should have this power give it to him by all means but do so with eyes open about the consequences and not with eyes closed.

Babu BEJOY KRISHNA BOSE: I fail to understand the logic of the argument of my friend Mr. Ganguly. He does not understand why this power shall be given to the District Magistrate. But I know why. The number of dafadars to be employed, their salaries and the cost of their equipment—in all these matters the District Magistrate must have the final voice. When Simon Commissions tour through Bengal, when His Excellency the Governor goes from one place to another these poor chaukidars and dafadars have to leave their

Unions unprotected for days together and spend their days and nights by the side of railway lines themselves unprotected from the inclemencies of weather. The benign Government in its anxiety to see that these chaukidars get proper equipment and good salaries take them away from their hearth and home to run the risk of their heads being cut near the railway lines. Government is afraid that the unfeeling Union Boards will not give the chaukidars these things and that is why they are jealous of keeping the final authority in the hands of Magistrates. In the name of Law and Order also the number ought to be decided by the District Magistrate. So my friend ought not to object to this but should join with the Hon'ble Minister, a new convert, to give power to the District Magistrate in these matters and to see that his amendment is carried.

Mr. SARAT C. BASU: If the present question had arisen some 25 years ago probably I would have voted on the side of the Government. I am quite sensible of the fact that when a servant had to be appointed, who would have the charge of the peace of a certain locality, the District Magistrate, who is the head of the administration, should have had the power of appointment or dismissal. But those things which were in vogue from the year 1793 after about 75 years have completely changed. Formerly the Magistrate of a district used to be posted with all informations from every quarter of the district; nowadays that is gone; all the powers of the District Magistrates have been delegated to other officers. He is simply nominally in charge of the Collectorate and has no touch with the people of the land. We know that from the time of the Permanent Settlement the policy of the Government had been that the appointment of chaukidars and dafadars should be vested in the people. In those days the people used to be represented, and very properly represented, by the landholders of the locality, and for that reason it was not only the right but the duty, the bounden duty, of the landholders representing the community to appoint (I should not say nominate) the chaukidars whenever any vacancy occurred. If the landholders failed to discharge their duty they could be punished by the law. But since then things have changed not only in the administration of justice but also in the administration of the police and the administration of the land laws and everywhere it was found that the landholders could not be entrusted with that duty, though, it was said politely that they should be *relieved* of the burdensome duties. Try to use any language you like the Government came to feel that this power should not be in the hands of the landholders who had ceased to be the representatives of the people. Then came the Chaukidari Act which took away the right of appointing chaukidars from the landlords which they had been exercising hitherto and given over to the Magistrates. The lands were taken away from the chaukidars and necessarily from the

landholders and Government took the whole thing in their hands; they resumed the chaukidari chakran lands and did away with the powers of the landholders in order to keep the chaukidars under their absolute control. That is what happened after the passing of the Chaukidari Act. Coming to recent times changes have been wrought in order to give full power, exclusive power, to the executive officers of the district. In that view the measure that is being talked of, for giving power to the Magistrates to appoint chaukidars, intends to take away completely the power which had formerly been vested in the people for over a century. Mr. President, you are aware of the conditions in the mufassal. What does the Magistrate do? He sits in his bureau and accepts the recommendations from the subdivisional officers, from the police and other subordinate Government officers in the executive line. Chaukidars constitute no insignificant link in the administration. You are probably aware of a familiar expression in Bengal that the Government of British India is now carried on by a voice which has been likened to that of jackals. People in the mufassal say that the administration is carried on on the chaukidars' cry; and "all jackals cry alike;" is the usual adage. Whatever the lowest rung in the ladder says, I mean the chaukidar, to-day, the Viceroy voices the same to-morrow. So it is these subordinate officers of Government that really run the administration. People now have got no voice in it, people are not consulted about it and the whole thing is done by the District Magistrate sitting in his khas *kamara* on the suggestions of his subordinate officers. Under the present system whilst so much is being talked of by the Government about popularising the Union Boards and so forth I fail to see why power should not be given to the Union Boards to make these appointments and thereby give effect to the voice of the people. What does the Magistrate know about a person who is to be appointed a chaukidar or a dafadar? He does not know anyone in the village, he does not know the persons who are sent up as candidates for a chaukidarship, he simply says yes or no to the recommendations that come from below. Under these circumstances the sound policy that was followed from 1793 downwards, when the appointment of these chaukidars was vested in the people and their representatives, should be adhered to. We are aware the post of a chaukidar is a responsible one and considerable power is given to the chaukidar to exercise and his voice has got effect on the ultimate administration. It is for this reason, I know from my experience in some of the districts, that even some landholders had been applicants for the post of chaukidars as they had applied formerly for the post of President Panchayets because they know that they will have some privileges for the purpose of asserting their influence over the people in their neighbourhood. It is for this reason, I think, the present real representatives of the people, viz., the Union Boards, should nominate the chaukidar——

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: We have finished the question of the appointment of chaukidars. Is Mr. Basu in order in discussing that question again?

Mr. PRESIDENT: Under what section of the rule do you take your stand?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I wanted to draw your attention to what Mr. Basu is saying.

Mr. PRESIDENT: You have not been able to make out any point and so Mr. Basu may continue his speech.

Mr. SARAT C. BASU: I am not going to take up the time of the Council any more by discussion about order. What I am addressing about is only a corollary to the proposition mentioned. My point is that the people should have control over the chaukidars and the matter should not be monopolised by the chief executive officer of the district.

The motion was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Gilchrist, Mr. R. N.
Goenka, Rai Bahadur Badridas.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Habibullah, Nawab Khwaja.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. F.
Hossain, the Hon'ble Nawab Musharraf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Jenkins, Dr. W. A.
Khan, Maulvi Tamizuddin.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Laird, Mr. R. B.
Lamb, Mr. T.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Martin, Mr. O. S.
McCluskie, Mr. E. T.
Mitter, Rai Bahadur Manmatha Nath.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Ormond, Mr. E. C.
Philip, Mr. J. Y.
Philpot, Mr. H. C. V.
Prentice, Mr. W. D. R.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-.
Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Ray Chaudhuri, Mr. K. C.
Rees, Mr. G. F.
Roy, Mr. Bijoy Prasad Singh.
Sarker, Rai Sahib Rohini Mohan.
Sinha, the Hon'ble Raja Bahadur Bhupendra Narayan.
Solaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Tate, Major-General Godfrey.
Thomas, Mr. H. W.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

NOES.

Ahamad, Maulvi Asimuddin.
Ali, Maulvi Syed Nausher.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjea, Babu Premetha Nath.
Basu, Mr. P. C.
Basu, Mr. Sarat C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Chakraburtty, Babu Jatindra Nath.
Chakravarti, Babu Jogindra Chandra.
Chatterjee, Srijut Bijay Kumar.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Dayal.
Hoque, Kazi Emdadul.
Kasem, Maulvi Abul.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Nem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Azizur.
Rauf, Maulvi Syed Abdur.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Ray, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Ray, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sen, Srijut Nagendra Nath.

The Ayes being 57 and Noes 36 the following motion was carried:—

"To proposed first paragraph of sub-section (*1*) of section 21 the following shall be added, namely:—

'subject to the approval of the District Magistrate.'"

5-45 p.m.

Mr. PRESIDENT: The question is that—

(*vii*) in the second paragraph of proposed sub-section (*1*) of section 21, after the words "in a Union" the following shall be inserted, namely:—

"or in any local area which is declared to be a Union after the commencement of the Bengal Village Self-Government (Amendment) Act, 1929."

(*ix*) in the second paragraph of proposed sub-section (*1*) of section 21, for the words, brackets and figures "Bengal Village Self-Government (Amendment) Act, 1928" the words "said Act" shall be substituted.

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, the proposed amendments are simply intended to improve the Bill from a purely drafting standpoint. I have nothing more to add.

The motions were then put and agreed to.

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I beg to move that in the short title of the Bill for the figures "1928" the figures "1929" be substituted.

Dr. BIDHAN CHANDRA ROY: On a point of order, Sir. We have only a portion of the Bill which was passed in 1928 under consideration to-day, and if this amendment is carried it will mean that there will be two portions of the Bill, one of 1928 and the other of 1929.

Mr. PRESIDENT: This amendment is consequential on the very act of reconsideration which has postponed the passing of the Act to the year following that mentioned in the original Bill. If the Hon'ble Minister had not moved this amendment, the Secretary would have made the necessary correction under section 64. It is better that the Council itself shall make the correction.

Dr. BIDHAN CHANDRA ROY: The whole of the Bill has not been sent to us but only a portion of it. The portion of the Bill which has not been sent to us must bear the year 1928.

Mr. PRESIDENT: That is absurd in the very face of it.

The motion was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Dash, Mr. A. J.
Drummond, Mr. J. S.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. N.
Ghose, Mr. M. C.
Gilchrist, Mr. R. N.
Goenka, Rai Bahadur Badridas.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Habibullah, Nawab Khwaja.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Jenkins, Dr. W. A.
Karim, Maulvi Abdul.
Kasem, Maulvi Abdi.
Khan, Maulvi Tamizuddin.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Laird, Mr. R. B.
Lamb, Mr. T.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Martin, Mr. C. S.
McCluskie, Mr. E. T.
Mitter, Rai Bahadur Manmatha Nath.
Mittur, the Hon'ble Sir Provash Chander.
Moberly, the Hon'ble Mr. A. H.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Ormond, Mr. E. C
Philip, Mr. J. Y.
Philpot, Mr. H. C. V.
Prentice, Mr. W. D. R.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-.
Ray, Babu Nagendra Narayan.
Ray Chaudhuri, Mr. K. C.
Sen, Mr. S. F.
Roy, Mr. Bijoy Prasad Singh.
Sarker, Rai Sahib Rohati Mohan.
Sinha, the Hon'ble Raja Bahadur Bhupendra Narayan.
Sulaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Tate, Major-General Geoffrey.
Thomas, Mr. H. W.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

NOES.

Ahamad, Maulvi Asimuddin.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjea, Babu Prometha Nath.
Basu, Mr. P. C.
Basu, Mr. Sarat C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Chakraburtty, Babu Jatindra Nath.
Chakravarti, Babu Jogindra Chandra.
Chatterjee, Srijut Bijay Kumar.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Deyal.
Hoque, Kazi Emdadul.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Anizur.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Ray, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sen, Srijut Nagendra Nath.

The Ayes being 60 and the Noes 33 the following motion was carried:—

"That in the short title of the Bill for the figures '1928' the figures '1929' be substituted."

6 p.m.

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I beg to move that in clause 2 in proposed section 20 (3) for the figures "1928" the figures "1929" be substituted.

The motion was then put and agreed to.

Mr. PRESIDENT: The question is that clauses 2 and 3, as amended, stand part of the Bill.

The motion was put and agreed to.

The following motion was called but not moved:—

"**Rai HARENDRANATH CHAUDHURI** to move that the Bill, as now settled in Council, be passed."

Mr. PRESIDENT: I had better point out to the House that it is essential that the third reading of the Bill should be gone through if the Bill is to be considered as passed by the Council, Rai Harendranath Chaudhuri was called upon to move for the third reading of the Bill but he did not respond. Under section 52A no other person is competent to move that the Bill be passed. The Bill will, therefore, die, unless the member in charge of it moves the final motion at the next session of the Council.

[At 6-15 p.m. the Council was adjourned and it re-assembled at 6-30 p.m.]

The Indian Universities (Bengal Amendment) Bill, 1928.

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Nawab Musharraf Hossain, Khan Bahadur): I beg to present the report of the Select Committee on the Indian Universities (Bengal Amendment) Bill, 1928.

At the outset, although it is not my duty now, may I appeal to my friend Dr. Pramathanath Banerjea to postpone the consideration of this Bill till next session in order to enable us to expedite the preparation of our Bill in the meantime and to come to some amicable settlement in future.

Dr. PRAMATHANATH BANERJEA: In view of the request that has been made by the Hon'ble Minister in charge of Education to postpone the consideration of this Bill, I am prepared, with the leave of the House, to defer the consideration of this Bill till the next session.

Babu MANMATHA NATH ROY: Does this amount to withdrawal?

Dr. PRAMATHANATH BANERJEA: No.

Mr. PRESIDENT: I take it that the member in charge of the Bill has not moved that the Bill be taken into consideration. Of course, Dr. Banerjea will be at liberty to bring his motion forward at the next session.

Dr. PRAMATHANATH BANERJEA: It is understood that in the next session leave will be granted to me to take up this Bill.

The Bengal Industrial Development Bill, 1928.

Babu NALINIRANJAN SARKER: I beg leave to introduce a Bill to provide for the initiation or development of industries in the Presidency of Bengal with a view to improving the economic condition of its people.

The Secretary then read the title of the Bill.

The motion that leave be granted to introduce the Bill was then put and agreed to.

Babu NALINIRANJAN SARKER: I beg to move that the said Bill be referred to a Select Committee consisting of the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, Dr. Bidhan Chandra

Roy, Babu Akhil Chandra Datta, Mr. Gholam Hossain Shah, Mr. Satish Chandra Sen, Maulvi Abul Kasem, Mr Altaf Ali and myself, with instruction to submit their report in time for its consideration at the next meeting of the Bengal Legislative Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The following motions were called but not moved:—

"**Srijut RADHA GOBINDA RAY** to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 20th of June, 1929.

Maulvi TAMIZUDDIN KHAN to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st May, 1929.

Mr. SATYENDRA CHANDRA GHOSH MAULIK to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon by the 30th April, 1929."

Mr. P. N. GUHA: I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon within two months from the date on which this motion is carried in Council.

At the very outset I may assure my friend Babu Naliniranjan Sarker that I am not against his Bill. My object in proposing its circulation is to give the public an opportunity to know to what extent the Council is going to commit itself. I have heard it argued that the opinion on this particular matter has already been collected in connection with the Bill which was thrown out the other day. In the short time that I had to look into the provisions of the Bill, I think it requires to be considered by the public who ought to go through it very carefully. I do not think it advisable for any one either on the Government side or on the popular side to try to rush any Bill through. A Bill which proposed to give industrial aid to the province was introduced by the Hon'ble Minister at the last session. My friends argued then that the whole scheme should be placed before the country. I am now following their course and asking them to give the country an opportunity of judging what is going to be proposed. I do not want to shelve the Bill and it can certainly be taken up at the next session. I do not think it wise or prudent to rush the Bill through at this stage. Let the whole country judge the thing and let there be an opportunity for every one to say what he has got to say and then bring forward the whole Bill early next session. Whenever Government wants to introduce any Bill, the public wants an opportunity to express opinion. Why should we not follow that course? I have heard it said that

the present Council will be dissolved next August. I am sure Mr. Naliniranjan Sarker will be there even after the next election and he will have an opportunity of seeing his Bill through. But if he is not there, there will be others to take up the Bill, I do not think that the Bill should be taken up before the country expresses its opinion on it.

Mr. JOGESH CHANDRA GUPTA: It was interesting to hear Mr. P. N. Guha, representing the Bengal Secretariat, trying to postpone a Bill the necessity of which even the Government has accepted. Government itself introduced a Bill and they considered that a Bill of the kind was necessary. It was circulated and opinion was obtained. I do not understand why Mr. Guha thinks that it is necessary to find out what is the opinion of the country on a Bill of this nature. In the State Aid to Industries Bill which was introduced by Government the preamble states that it is expedient to provide for State aid to industries. I thought that Mr. Guha representing Government here would abide by that preamble and he would accept the expediency of the introduction of a Bill of that kind. But I find he finds it only expedient to vote with Government but not to support a measure even when Government admitted its necessity and though it is wanted by the country. It is common knowledge that there is a good deal of unemployment in this province and there is a good deal of discontent among people because they do not know how to eke out a livelihood. It has been doubted whether Government has got a duty to help in this direction. It has also been opined by some Government people and by some people outside Government that it is undesirable for Government to launch into any kind of industrial enterprises because there is a likelihood of loss of capital or money spent.

6-30 p.m.

My reply to the argument of those gentlemen is that the Government has got a duty to perform in this direction, that the Government has got to initiate certain measures as every Government in every civilised country does. It would not do for the Government of Bengal to say that they will not do anything for the purpose of giving State aid to industries; in fact, that is no longer the Government position. We turned down the Government Bill for giving State aid to industries brought by the Government on the ground that it provided for a sort of nominated body, and I think every Indian has realised that it is too late in the day to allow any popular measure to be controlled by nominated gentlemen. There is no denying the fact that the Government does not enjoy the confidence of the people. If you want to launch any popular measure you must at once realise that what is wanted is to inspire the confidence of the people in the constitution of the Board in whose hands the management of affairs is to be left.

In the next place, Mr. Sarker's Bill provides a greater scope for helping the industries of the country. There is absolutely no reason why a Bill which contemplates no more than providing a popular body for the control and management of State aid to industries, whatever may be the amount available from the very slender resources at the disposal of the Government at the present moment and also to enlarge the scope of the Bill, should not be supported. I, therefore, oppose the amendment proposed by Mr. P. N. Guha. I submit to the House that there is absolutely no necessity for circulating the Bill unless it is for the purpose of shelving it and unless it is meant to serve the purpose of those who do not want Government to do anything towards giving aid to industries.

Maulvi ABUL KASEM: I rise to support the motion for referring the Bill to a Select Committee. There is a proposal that it be circulated for eliciting public opinion. After what has been said I find that opinions were invited and received on the Bill brought forward by Government, and this is a very similar Bill. Of course there are differences and these differences are important. But these differences can be met at the Select Committee meetings. Government will be fully represented there and the House will be represented, and after considering the Bill in the Select Committee we can see our way to accept or reject the Bill. Government will have an ample opportunity to discuss it in the open House and the House may then accept or reject it. But to say at the beginning that it be circulated for public opinion—there is only one idea behind it that it will be shelved forever. I hope this Council will not be extended and the lifetime of this Council is limited. Therefore, Sir, there are only two means—either to refer the Bill to the Select Committee or to reject it *in toto*. I can understand the motion for rejecting it but I cannot understand the one for circulating it for public opinion.

Babu BEJOY KRISHNA BOSE: I rise to support the motion of my friend, Babu Naliniranjan Sarker, and to oppose the motion of Mr. P. N. Guha. Mr. Guha's motion is simply dilatory. He wants to elicit public opinion on the provisions of this Bill. Any one, Sir, who had the time and opportunity of looking into the two Bills, the Bill that was introduced by the Government and the Bill that is now introduced by my friend, Mr. Sarker, will see that the argument of Mr. P. N. Guha that public opinion should be taken on this Bill has absolutely no substance. The opinion of the public has already been given on the general principles and provisions of the Bill. If you compare the two Bills, you will find that Mr. Sarker's Bill is the better of the two and that the principles of the two Bills are almost the same except that the Government Bill was narrow in its conception whereas the Bill of Mr. Sarker is wider in its scope. If you compare the various

sections of the two Bills, you will find, Sir, that section 3 of Mr. Sarker's Bill provides for a Board of Industries based on an elective basis. Both the Bills provide for a Board of Industries consisting of 12 members, but whereas in the Government Bill so many as 9 are nominated and 3 are elected members, in Mr. Sarker's Bill 10 are elected and 2 are nominated members. With regard to the duties of the Board section 4 of Mr. Sarker's Bill may be compared with section 10 of the Government Bill. Any one going through these two sections, section 4 of Mr. Sarker's Bill and section 16 of the Government Bill, will find that Mr. Sarker's Bill is far superior to the other. Then if you go through section 6 of Mr. Sarker's Bill you will find that measures are therein provided similar to those contained in section 19 of the Government Bill, and that the provisions of Mr. Sarker's Bill are far superior to those contained in the Government Bill. If you look to section 7 of Mr. Sarker's Bill you will find it is almost the same as section 20 of the Government Bill which provides for industries to be aided with only a little difference which will be found in sub-section (c) of Mr. Sarker's Bill, and nobody can say that the industry mentioned there is one which ought not to be aided. If you look to section 10 of Mr. Sarker's Bill it is almost the same as the proviso to section 19, sub-clause (a) of the Government Bill; section 13 of Mr. Sarker's Bill—repayment of loans—is the same as section 19 of the Government Bill, and I can refer to many other similar clauses in the two Bills. Therefore, Sir, I submit on a reference to the two Bills, it will be seen that the public have already given their opinion on this Bill as well. I have gone through those opinions. Those opinions have been circulated to us and I find that most of the associations which have given their opinions merely clamour for a seat in the electorate from which the Board of Industries would be constituted. There is no substance in the motion of Mr. Guha that this Bill is a new Bill, its principles are new and that the public are not aware of its provisions and therefore time should be given to the public to give their opinion on it. Mr. Sarker's Bill is practically on the same lines as the Government Bill, only it goes further ahead of the Government Bill. If this Bill is sent to the Select Committee after the receipt of opinions, I do not think that this Bill will come out of the Select Committee in time for consideration by the Council in July. We have no non-official days in March and the next session will probably be in June or July and we do not know how many non-official days will be given to us then. Probably we may be given one or two non-official days and it will not be sufficient for us to see this Bill through. This is one of the measures brought by that much maligned body the Congress party, and when there is this constructive measure brought by a member of the Congress party I find opposition from those so-called co-operators who want to kill this Bill. It is said that Babu Naliniranjan Sarker will be in the next Council to pilot this

Bill at that time. We have no faith in the future of this Council nor do we think that any good can come out of this Council as it is at present constituted. Therefore, when the opportunity is before us, when the Bill is before us, when it is a constructive measure put forward by us and when the provisions of this Bill are far superior to the provisions of the Bill brought by the Hon'ble Minister, I hope the House will not try to throw out this Bill, and so far as the present Council is concerned, to circulate the Bill for public opinion is to throw out the Bill for the present. Therefore, I make an appeal to my colleagues to see that this Bill is referred to the Select Committee. There will be time for us to meet and discuss the Bill in the July session next in that case.

Dr. BIDHAN CHANDRA ROY: I, as one who has taken interest in industrial matters, feel the necessity for a measure of this kind. It is not I alone who feel the necessity and urgency of it but the fact that a new Minister, a Minister newly appointed, had thought fit to bring in this session a Bill of this character shows that even the Government thinks that it is necessary to give some aid to small industries in Bengal. Therefore, Sir, any proposal put forward before us which in any way delay the consummation of a proposal of this character should certainly be regarded from our point of view as dilatory. The proposition of Mr. Guha means this—that the Bill cannot be put before the Select Committee before the July session and therefore it cannot emerge out of a Select Committee and be committed to any session of the Council so far as the present Council is concerned. It would mean this that when the present Council is dissolved and the new Council is brought into existence, the Bill will have to go through the same process and I think there will be no lack of others like Mr. Guha who will move for circulating the Bill for public opinion. Therefore the urgency of the measure being there and also as mentioned by my friends here, that the Government Bill was sent to 54 different persons and associations for opinion is enough proof that the matter has been before the public.

6-45 p.m.

There is another proposition that I want to put before the members of this Council. If it were a Bill like the University Bill or the Primary Education Bill already in existence and operative then the question of circulating this Bill for public opinion would have arisen, but in this matter it is a new departure. If this Bill be carried and be given effect to then it will be possible for the public and the Legislative Council to consider in future how it has affected the small industries in the province, and the public will be able to give some opinion on it. The very fact that out of 54 associations to whom the Government have referred their Bill only 12 or 13 have given their

opinion shows that a majority of the people are not able to visualise what the effect of a Bill of this character will be. Therefore I do not think that any good will follow from simply circulating the Bill for eliciting public opinion except that the Bill will be killed so far as the present Council is concerned. For this reason my party will certainly oppose the amendment.

Dr. J. M. DAS GUPTA: I am tempted to rise to speak on this motion mainly because of the opposition of my friend, Mr. Guha opposite. One thing that struck me was that whoever may come to the next Council or may not come, Mr. Guha is apparently convinced that he has a good sporting chance of coming. Considering the fidelity with which he has supported the Government he is naturally confident of his return to the Council next year.

Now, Sir, turning to the Bill I shall make a few observations. The first and foremost of them is that if Mr. Guha had really studied the opinions that have been received on this Bill and circulated to us he would be convinced that Mr. Sarker's Bill is the only possible Bill that can be taken up at this stage. Of the opinions received, one comes from Sir Rajendra Nath Mookerjee, whom nobody would accuse of being a Swarajist or of being in any way actuated by any motives of destruction. What did Sir R. N. Mookerjee advise? His first and foremost advice was that the President of the Board should be an elected one and that it would not be reasonable to expect any business man to go and serve under an official President without any first-hand business experience. I think Sir R. N. Mookerjee's opinion is very weighty and should be given the consideration it deserves. Exactly the same reason actuated us to propose this change from the Government Bill, namely, that the President should be elected, so far as the Board is concerned.

I would advise Mr. P. N. Guha to look at the opinion given by Mr. Weston, the Director of Industries; there he will find that the Director of Industries has proposed a Board on a principle which is practically the same as that of Mr. Sarker. One of the funniest things that I find in connection with the Board is that the Bengal Legislative Council is unrepresented on it; this has also been noticed by Mr. Weston and his suggestion is that 3 members of the Legislative Council should be on the Board. In addition to this the principle on which Mr. Weston's Advisory Committee is based is practically the same as Mr. Sarker's.

Turning to the various recommendations that have come from the public, from the various Chambers of Commerce, various associations such as mining and other associations, I may say that their recommendations have rarely been comprehensive. Not a single of them has a grasp of the issue involved and their main concern is to

be represented on the Board or to be elected on the body from which the Board is to be constituted, and they have left severely alone the main principle on which the question should be considered.

So far as the opinion of Government officials, particularly the Magistrates of districts, and other responsible Government officers is concerned, I make bold to say that in their recommendations the greatest possible importance is attached to making some provisions for inspecting officers. Their main intention is to provide highly paid posts to be filled by some Government officers—that is all. Their other recommendations were merely verbal alterations to make the draft more complete and presentable. However, to cut the matter short, I consider that taking into account the whole thing one cannot but be convinced that the matter has been before the country for a long time and Government, in the expectation that they should be able to have a State Aid to Industries Bill in name only but in reality something that would not help our countrymen in any way, have taken ample pains to see that no blame on the score of insufficient circulation is laid at their door. Naturally their Bill was widely circulated and not a single industrial association was left out. But the main reason why this Council has turned down that Bill is because it could not accept the principle on which the Board was constituted, namely, nomination. The principle laid down in the present Bill is that of election.

Regard being had to all these things there is no doubt that the Bill has been amply circulated and it need not be circulated again unless, of course, it is the intention of Government to somehow or other postpone the Bill and carry it on to the next Council and Mr. Guha's amendment has given out this real secret behind the opposition. I think the Bill should be referred to the Select Committee and when the country sees how it works and realises its effects then it will be time to delete some provisions or add some others.

With these words I appeal to the House to throw out this motion for circulation.

Mr. P. C. BASU: I do not want to inflict a long speech at the fag end of the day and I know that the members on the Treasury bench are anxious to go away, but I want to say just a few words. The Hon'ble Raja Bahadur of Nashipur introduced a Bill in this Council a few days ago with reference to the same subject. I suppose the Raja Bahadur did it in consultation with the Cabinet of His Excellency the Governor. Now when that Bill is thrown out by the Council and a more popular measure has been brought in by Babu Naliniranjan Sarker I am sure it would not lie in the mouth of Government to oppose this Bill because the Government have committed themselves to the fact that there is a necessity of a Bill for the purpose of providing

for the development of industries in this province. But my friend Mr. P. N. Guha is consistent; he no doubt opposed the Bill which the Government brought up and he is doing so now. That is no reason why the present Council should send this Bill for eliciting opinion because it has already been done when the Raja Bahadur of Nashipur's Bill was brought before the Council. It is useless for me to say that there is a necessity for this Bill and I am sure that because this Bill has been introduced by a member of the Congress party this should not be opposed by other members of the Council. I appeal to the sense of this House, to my friends on the other side headed by Mr. Travers, to think and to consider if there is a necessity for such a Bill, and if that be so, to let the Bill be referred to a Select Committee. There the matter may be discussed but we all know that if Mr. P. N. Guha's amendment be carried there is no chance of the Bill being brought forward in this Council and we will bury it for ever. With these words I ask that Mr. Guha's amendment should not be accepted.

(At this stage Babu Akhil Chandra Datta rose to speak.)

Mr. PRESIDENT: I find that many more members are anxious to speak on this subject; but, as it is now 7 o'clock, I better keep the matter open for discussion till to-morrow. Akhil Babu will have the first opportunity to speak, to-morrow, if he so desires.

Adjournment.

The Council was then adjourned till 3 p.m. on the 8th February, 1929, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 8th February, 1929, at 3 p.m.

Present:

The Hon'ble the President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 108 nominated and elected members.

Starred Questions

(to which oral answers were given).

Paschimgaon B. N. H. E. School, Tippera.

*21. **Maulvi ASIMUDDIN AHAMAD:** (*a*) Is the Hon'ble Minister in charge of the Department of Education aware of the fact that the grant-in-aid of the Paschimgaon B. N. H. E. School, police-station Laksam, in the district of Tippera, has been suspended?

(*b*) Is the Hon'ble Minister aware of the fact that its affiliation to the Calcutta University has also been cancelled?

(*c*) Is it a fact that the Hon'ble Minister himself visited the said school a few months ago?

(*d*) Will the Hon'ble Minister be pleased to state the reason or reasons for the—

(*i*) suspension of the grant-in-aid; and

(*ii*) the cancellation of the affiliation?

(*e*) Will the Hon'ble Minister be pleased to state the impression he himself received when he visited the same school regarding the present general condition of the said school?

(*f*) Will the Hon'ble Minister be pleased to state whether the grant-in-aid will be renewed and the cancellation of the affiliation be withdrawn in the near future, taking into consideration its improved condition as it now stands in comparison with the condition of the Laksam High English School?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): (*a*) Yes,

(*b*) Yes.

(*c*) Yes.

(*d*) (*i*) The school failed to comply with the conditions laid down by Government for grant-in-aid, *e.g.*, a minimum enrolment of 150 students (average for 1924-26, 72) properly paid and qualified staff, and satisfactory examination results (average sent up for Matriculation 11, passed 3). The average monthly fee receipt for 1924-26 was only Rs. 95.

(*ii*) Affiliation was cancelled by the University: the Government are not informed by the University authorities of their reasons.

(*e*) Hon'ble Minister formed no opinion of the efficiency of the school and before coming to any opinion on this subject, would first consider the opinion of inspecting officers of the department.

(*f*) No statement can be made on the subject of reconsideration by the University authorities of the orders passed by them.

If and when the school authorities obtain renewal of recognition they may apply to the Divisional Inspector of Schools, Chittagong, for a grant-in-aid and their application will receive proper consideration.

The school will first have to satisfy the Inspector that it complies with the grant-in-aid rules.

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Minister be pleased to state whether this school is a Moslem managed school?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Yes.

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Minister be pleased to state whether this is the only Moslem managed school from which the grant-in-aid has been withdrawn, or whether there are 7 or 8 schools, all Moslem high schools from which grants have been similarly withdrawn?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I want notice of this question, because it traverses too many points.

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Minister be pleased to state whether it is also a fact that the money saved from the withdrawal of this grant-in-aid was made over to a Hindu managed school within two or three miles of the Moslem school?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: It is a fact that a grant was made to a Hindu managed school in the vicinity, but whether the money thus saved was utilised for the purpose is more than I can say.

Maulvi NURUL HUQ CHAUDHURI: Will the Hon'ble Minister be pleased to state the number of students in the Hindu managed school to whom this grant-in-aid was paid?

Mr. PRESIDENT: It is impossible to answer that question offhand.

Khan Bahadur Maulvi AZIZUL HAQUE: With reference to answer (*d*), will the Hon'ble Minister be pleased to lay on the table a copy of the conditions for making grants-in-aid to private schools?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: The member will find the answer in the Education Code.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state where the Education Code is available, and whether it is at all available?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I cannot say, it is certainly available in the Secretariat.

Khan Bahadur Maulvi AZIZUL HAQUE: Is the Hon'ble Minister aware that the Education Code has not been published for the last 25 years?

(No reply).

Rivers Arialkhan and Torkey in Bakarganj and Faridpur.

***22. Babu SURENDRA NATH BISWAS:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether the rivers Arialkhan and Torkey, in the districts of Bakarganj and Faridpur, are regarded as tidal and navigable rivers according to the Private Fisheries Protection Act, 1889 (Ben. Act II of 1889)?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the public, including fishermen, have got free fishery right in those rivers?

MEMBER in charge of DEPARTMENT of REVENUE (LAND REVENUE) (the Hon'ble Sir Provash Chunder Mitter): (*a*) The

expression "tidal and navigable rivers" being neither defined nor contemplated by the Act mentioned, it is not possible to state if the two rivers can be regarded as tidal and navigable rivers according to the said Act.

(*b*) Does not arise.

Babu SURENDRA NATH BISWAS: Will the Hon'ble Member be pleased to state whether there is any such definition in any Act?

The Hon'ble Sir PROVASH CHUNDER MITTER: There is no Act, so far as I am aware, in which such a definition can be found, but the question refers specifically to Bengal Act II of 1889.

Babu SURENDRA NATH BISWAS: How does the Hon'ble Member know that the rivers Arialkhan and Torkey cannot be regarded as "tidal and navigable" rivers?

The Hon'ble Sir PROVASH CHUNDER MITTER: The member has put the question in this form: ".. whether the rivers Arialkhan and Torkey, in the districts of Bakarganj and Faridpur, are regarded as tidal and navigable rivers according to the Private Fisheries Protection Act, 1889?" Therefore, I submit he ought to know how these rivers are described—whether they are navigable or not.

Babu SURENDRA NATH BISWAS: The Hon'ble Member says that——

Mr. PRESIDENT: That is no question, Mr. Biswas. Please put it in the form of a question.

Babu SURENDRA NATH BISWAS: The Hon'ble Member has referred to my question——

Mr. PRESIDENT: You are not allowed to make a speech. Put a question, if you wish to.

Babu SURENDRA NATH BISWAS: Will the Hon'ble Member be pleased to state if there is any definition of the expression "tidal and navigable river"?

The Hon'ble Sir PROVASH CHUNDER MITTER: I think I have already answered that question: There is no such definition in Bengal Act II of 1889.

Babu SURENDRA NATH BISWAS: In any other Act?

The Hon'ble Sir PROVASH CHUNDER MITTER: I do not know. That is a question for a lawyer to answer. (A VOICE: Are you not a lawyer?)

Discontinuance of issue of sale proclamation notices in the "Jangipur Sambad."

*22. **Babu SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the Hon'ble Sushil Kumar Sinha, the District Judge of Murshidabad, has discontinued the issue of sale proclamation notices in the *Jangipur Sambad*?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reason for such discontinuance?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) Yes.

(*b*) The Government do not think it necessary to inquire into the matter, as the publication of sale proclamations is within the discretion of the Court under Order 21, Rule 67 (*2*), of the Civil Procedure Code [*see* Rule 100 (*c*), page 36, Chapter I, General Rules and Circular Orders of the High Court (Civil)].

Srijut NAGENDRA NATH SEN: With reference to (*a*), will the Hon'ble Member be pleased to state whether the District Judge has ordered the discontinuance of the issue of sale proclamation notices in respect of his own Court, or in respect of other courts in the district of Murshidabad?

The Hon'ble Mr. A. N. MOBERLY: I must ask for fresh notice.

Srijut NAGENDRA NATH SEN: With reference to answer (*b*), will the Hon'ble Member be pleased to state whether it is a fact that Government have not thought it necessary to inquire into the matter because they do not want to interfere with the discretion of the Court?

The Hon'ble Mr. A. N. MOBERLY: I would refer the member to my answer; I have nothing further to add.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. How can we know the reasons for the District Judge's conduct unless the Hon'ble Member answers this question? It may be within the power of the District Judge to publish the sale proclamations in whatever paper he likes. But, seeing that the District Judge discontinued the publication of these notices in a particular paper, how can we know

the reasons for his action unless the Hon'ble Member himself answers the question? We cannot very well question the District Judge.

The Hon'ble Mr. A. N. MOBERLY: May I suggest, Sir, that if members require specific answers, they must ask specific questions? I have answered the question as it was put, now I am asked to answer something else.

Babu SURENDRA NATH BISWAS: Will the Hon'ble Member be pleased to state whether it is a fact that the publication of sale proclamations in the *Jangipur Sambad* was discontinued on the ground that the paper commented on the subject of subdivisional officers?

The Hon'ble Mr. A. N. MOBERLY: I have already given my answer. I have nothing further to add.

Babu JITENDRALAL BANNERJEE: Sir, my point of order has not yet been met.

Mr. PRESIDENT: Your point of order was met the other day. I told you that it is not in the power of the President to compel any member of Government to answer a question. You must take an answer as it is. If it is unsatisfactory, your remedy lies in putting supplementary questions.

Babu JITENDRALAL BANNERJEE: Mr. President, I submit that your powers are not quite so limited or circumscribed as you are modestly pleased to think.

Mr. PRESIDENT: You are out of order, Mr. Bannerjee, in making that remark. I am cognisant of my powers, and I do not waut help from any member to ascertain their extent.

Babu JITENDRALAL BANNERJEE: I submit, Sir, that it is quite within my competence as a member of this Council to point out to the President that he has certain powers of which he may not be aware.

Mr. PRESIDENT: I must warn you: you are going beyond your limits.

Babu JITENDRALAL BANNERJEE: May I not say that in this particular matter you can exercise your powers? You may not like to, but you can.

Mr. PRESIDENT: Will you please resume your seat?

Babu JITENDRALAL BANNERJEE: I have done so already.

Sanyasi alleging himself as Kumar Ranendra Narayan Ray of Bhowal, Dacca.

*24. **Babu JATINDRA NATH CHAKRABURTTY:** (*a*) Is the Hon'ble Member in charge of the Department of Revenue (Land Revenue) aware that in 1921 a person in the garb of a *sanyasi* came to Bhowal in Dacca and alleged himself to be Kumar Ranendra Narayan Ray, the second son of the late Raja Rajendra Narayan Ray of Bhowal, and that several public meetings, attended by thousands of people, unanimously passed resolutions, welcoming the *sanyasi* as the said second Kumar of Bhowal?

(*b*) Will the Hon'ble Member be pleased to state, on what evidence and in whose interest, the then Board of Revenue issued a notice, declaring the *sanyasi* to be an imposter?

(*c*) Will the Hon'ble Member be pleased to state whether it is a fact that several memorials and representations were made from time to time to the Government by public bodies and individuals, praying for either the withdrawal of the said declaration of the Board or to hold a public inquiry about the identity of the *sanyasi*?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state what action, if any, was taken on those memorials and representations?

(*e*) If no action was taken then, are the Government considering the desirability of taking any action on the said memorials and representations?

(*f*) Is it a fact that the *sanyasi* himself had petitioned the Board of Revenue for a public inquiry about his identity and mentioned the following names for reference:—

(1) Her Highness Maharani Suniti Devi of Cooch Behar,

(2) Mr. Dwarka Nath Chakravarti, *ex*-Judge, Calcutta High Court,

(3) Raja Janaki Nath Ray of Bhagyakul,

(4) Raja Jagat Kisor Acharyya Chaudhuri of Muktagachha.

(5) Raja Satya Niranjan Ray of Hetampur,

(6) Raja Sarat Chandra Ray Chaudhuri of Chanchal,

(7) Mr. J. C. Gupta, M.L.C., Bar.-at-Law,

(8) Khwaja Abdur Raschid of Dacca,

(9) Khwaja K. M. Azizullah of Dacca,

(10) Rai Kesab Chandra Banerji Bahadur of Murapara,

(11) Babu Saradaprasad Ray Chaudhuri of Kasimpur (Dacca), and

(12) Babu Ananda Chandra Ray of Dacca.

(*g*) Will the Hon'ble Member be pleased to state whether any action was taken on the said petition of the *sanyasi*?

(*h*) If no action was taken, will the Hon'ble Member be pleased to state whether it is in the contemplation of the Government to take any action on the petition?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*) The Board, as the Court of Wards in charge of the share of the wife of the late second Kumar in the estate, issued the notice after due inquiry.

(*c*) Except some petitions from certain tenants of the Bhowal Estate, no such memorials and representations were received by Government.

(*d*) and (*e*) Does not arise.

(*f*) Yes.

(*g*) The petition was rejected.

(*h*) Does not arise.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Member be pleased to state on what evidence this notice was issued? In question (*b*) I have asked "on what evidence and in whose interest." That portion has not been answered.

The Hon'ble Sir PROVASH CHUNDER MITTER: The evidence was recorded by the Board of Revenue probably in 1921 or 1922. I have said "issued notice after due inquiry." It is impossible to place all the evidence before the House.

Mr. JOGESH CHANDRA GUPTA: Is it a fact that no notice was issued before any evidence was recorded, and that the inquiry was completed after the notice was issued?

The Hon'ble Sir PROVASH CHUNDER MITTER: So far as I am aware, evidence was actually taken, but as to the time when it was taken, I cannot answer offhand; neither has the member asked for information on that point. If the hon'ble member wants the information, I shall be very pleased to get it for him.

Mr. JOGESH CHANDRA GUPTA: The question is on what evidence was the notice issued. May I request the Hon'ble Member to state, for the information of this House, whether it is a fact that before the notice was actually issued the mass of evidence referred to in the reply just now given was not at all recorded?

The Hon'ble Sir PROVASH CHUNDER MITTER: As this matter is about 7 or 8 years old, I can only reply to the question after consulting the papers on the subject. But so far as I remember, evidence was taken before the notice was issued. However, I am quite prepared to look into the matter once more.

Babu JATINDRA NATH CHAKRABURTTY: Was this evidence recorded when the notice was issued, or was it recorded afterwards?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want fresh notice.

Babu JATINDRA NATH CHAKRABURTTY: Was the *sanyasi* given an opportunity of proving his identity?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want fresh notice.

Mr. P. N. GUHA: Will the Hon'ble Member be pleased to state whether the petition referred to in clause (*g*) of the question was signed by the *sanyasi* as Ranendra Narayan Ray?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes. It was signed by a person named Ranendra N. Ray.

Mr. P. N. GUHA: Since the petition was rejected, does not the Hon'ble Member think that it is a case of false personation?

Mr. PRESIDENT: This is a matter of opinion.

Mr. JOGESH CHANDRA GUPTA: What led Government to abstain from prosecuting the *sanyasi* who has signed a petition which was false?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want notice.

Mr. JOGESH CHANDRA GUPTA: Is it a fact that the Kumar wanted to know the evidence recorded behind his back, and that the Government refused him access to such evidence?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want fresh notice.

Mr. JOGESH CHANDRA GUPTA: I submit that the questions on which fresh notice has been asked for by the Hon'ble Member may be noted and the replies thereto given.

Mr. PRESIDENT: I am afraid you will have to go through the usual formalities.

Babu KHAGENDRA NATH GANGULY: Will the Hon'ble Member be pleased to state through what agency the evidence was recorded?

The Hon'ble Sir PROVASH CHUNDER MITTER: I must ask for fresh notice; the thing happened 7 years ago.

Babu KHAGENDRA NATH GANGULY: With reference to answer (*g*), will the Hon'ble Member be pleased to state whether the petition was rejected after a reference was made to the persons mentioned in the petition?

The Hon'ble Sir PROVASH CHUNDER MITTER: I do not think so.

Babu KHAGENDRA NATH GANGULY: Why was no reference made to the persons referred to in the petition?

The Hon'ble Sir PROVASH CHUNDER MITTER: Because detailed inquiries were made years before the petition referred to in question (*g*) was submitted, and Government in rejecting that petition acted on those inquiries.

Mr. JOGESH CHANDRA GUPTA: Is it a fact that of all the names of persons mentioned in the petition, only one gentleman happens to be a Congress member?

The Hon'ble Sir PROVASH CHUNDER MITTER: That is a matter on which my hon'ble friend is better informed.

Civil commission for local investigations.

*25. **Babu JATINDRA NATH CHAKRABURTTY:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that in the district of Rangpur, when commissions are issued under Order 26, Rule 9, of the Civil Procedure Code by the Munsifs of the subdivisions for local investigation, the District Judge appoints the commissioners from the Sadar station when survey-knowing pleaders are available in the subdivison?

(*b*) Is the Hon'ble Member aware that Munsifs have no control over such commissioners?

(*c*) Are the Government considering the desirability of changing the system now existing at Rangpur?

The Hon'ble Mr. A. N. MOBERLY: (*a*) There are only two survey-passed pleaders in the district, both of whom belong to the Sadar subdivision. There are, however, some pleaders with knowledge of survey in the other subdivisions who are also nominated, so far as fair distribution of work and other conditions permit, for commission work arising within the jurisdiction of courts where they reside.

(*b*) The Munsifs before issuing the commissions have to apply to the District Judge for instructions regarding the particular person whose services are available. But after the appointment is made on the nomination of the District Judge the commissioners work directly under the control of Munsifs trying the cases.

(*c*) No.

Bengal (Rural) Primary Education Bill.

*26. **Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Minister in charge of the Department of Education be pleased to state—

(*i*) when does the Select Committee expect to submit its report on the Bengal (Rural) Primary Education Bill; and

(*ii*) when the report is likely to be placed before the Council for consideration?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*i*) and (*ii*) The Select Committee have completed their examination of the Bill and it is expected that their report will be ready for presentation to the Council before the conclusion of the present session.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to note that there is no answer to part (*ii*) of the question?

Mr. PRESIDENT: That is not a question. I disallow it.

Khan Bahadur AZIZUL HAQUE: May I know how it is possible——

Mr. PRESIDENT: You can put supplementary questions.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state when the report is likely to be placed before the House for its consideration?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Probably at the July session.

Chemical purification of water of septic tanks in mill areas.

*27. **Srijut TARAKNATH MUKERJEA:** (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government (Public Health) be pleased to state the number of special officers, if any, of the Government to inspect and supervise the septic tanks in the mill areas?

(*b*) How often and at what intervals do these officers visit each septic tank?

(*c*) Is there any special chemical expert under the Government to examine the chemicals which are used in those septic tanks?

(*d*) Is the water, which is poured out into the Bhagirathi from these septic tanks after chemical purification, examined by experts to see whether the work of purification has been properly done?

(*e*) If so, at what intervals do these examinations take place?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (PUBLIC HEALTH) (the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (*a*) One—the Inspector of Septic Tanks Installations.

(*b*) Once a quarter on the average.

(*c*) Yes. They are examined by the Director of the Bengal Public Health Laboratory, who is an expert.

(*d*) Yes. It is examined by the Director of the Bengal Public Health Laboratory.

(*e*) Once a quarter on the average.

Dafadars and chaukidars, requisition for work outside unions.

*28. **Srijut TARAKNATH MUKERJEA:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that the dafadars and chaukidars working under and maintained entirely by the Union Boards are at times requisitioned by the police authorities to work for days together outside the union?

(*b*) Is it a fact that on such occasions no previous intimation is given to the Union Board?

(*c*) Is it a fact that on all such occasions the villagers are left quite unguarded?

(*d*) Is it a fact that the villagers are never informed of any such total absence of all the dafadars and chaukidars of the union from their duties to watch the villages?

(*e*) Is it a fact that the dafadars and chaukidars of the Union Boards are always posted by the Police Department to watch the railway lines whenever His Excellency the Viceroy or His Excellency the Governor or other high officials and the members of the Simon Commission travel by the railways?

(*f*) Is it a fact that the dafadars and chaukidars were posted to watch the East Indian Railway line during the last cold weather visit of His Excellency the Viceroy and the Simon Commission?

(*g*) Is it a fact that the dafadars and chaukidars were made to stay by the side of the railway lines throughout day and very cold night day to day during that period without sufficient warm clothes?

(*h*) Will the Hon'ble Member be pleased to state how much was paid to each one of them per day as their daily allowance and for their meals for their duty by the side of the railway lines and from which fund?

(*i*) Will the Hon'ble Member be pleased to state what steps are being taken by the Police Department to guard the villages during the period of such absence of the dafadars and chaukidars from the villages?

The Hon'ble Mr. A. N. MOBERLY: (*a*) As stated in the reply to starred question No. 24 asked at the meeting held on 28th February, 1927, dafadars and chaukidars are occasionally employed for brief periods outside the unions to which they belong.

(*b*) and (*d*) No. Previous notice is ordinarily sent to the Boards. In cases of emergency in which there is no time to consult the Boards intimation is sent to them as soon as possible.

(*c*) and (*i*) With a view to avoid leaving unions unprotected men are drawn from different unions according to a mobilisation statement prepared by the District Magistrate and the Superintendent of Police.

(*e*) Dafadars and chaukidars are posted under the orders of the local police officers to guard railway lines during the journeys of Their Excellencies the Viceroy and Governors of Provinces, royal personages and members of the Indian Statutory Commission.

(*f*) Yes.

(*g*) They have to stay in the vicinity of the line and are posted on duty on the line before dusk when the special train runs at night. If it runs during the day they are posted on duty on the line two hours before the passing of the train and are relieved as soon as it has passed. Warm clothes are not supplied by Government.

(*h*) When employed on guarding railway lines chaukidars are granted diet allowance at the rate of eight annas for each day on

which they are away from their homes. They are also allowed railway fare and eight annas for road journey when the distance travelled is over five miles. Charges are met from the grant under Police contingencies.

Mr. RANJIT PAL CHOUDHURI: May I inquire what the Hon'ble Member means by "brief periods" in answer (*a*)?

The Hon'ble Mr. A. N. MOBERLY: A brief period, Sir, is perfectly plain; it is not a long period. (Laughter.)

Mr. RANJIT PAL CHOUDHURI: Is the Hon'ble Member aware that the chaukidars and dafadars are away from their villages for over a fortnight, in many cases? Is that what is meant by a "brief period"?

The Hon'ble Mr. A. N. MOBERLY: No.

Srijut TARAKNATH MUKERJEA: Will the Hon'ble Member be pleased to state, with reference to answers (*b*) and (*d*), whether any chaukidars and dafadars were requisitioned during the last visit of the Simon Commission to Calcutta?

The Hon'ble Mr. A. N. MOBERLY: I must ask for fresh notice; this is a specific question.

Srijut TARAKNATH MUKERJEA: With reference to answers (*c*) and (*r*), will the Hon'ble Member be pleased to state what practical steps are taken for guarding these unions during the absence of the chaukidars and dafadars?

The Hon'ble Mr. A. N. MOBERLY: I may inform the member that all the chaukidars and dafadars are not taken away at the same time. Arrangements for protecting a union are made just in the same way as when chaukidars fall ill, and temporary arrangements have to be made.

Srijut TARAKNATH MUKERJEA: But what are the actual steps taken for guarding unions during the absence of chaukidars and dafadars?

The Hon'ble Mr. A. N. MOBERLY: All the chaukidars and dafadars are not taken away; the remaining men guard the unions.

Srijut TARAKNATH MUKERJEA: Is it a fact that all the chaukidars and dafadars are taken away?

Mr. PRESIDENT: That question has already been answered. The Hon'ble Member has already said that all the chaukidars and dafadars are not taken away at one time.

Srijut TARAKNATH MUKERJEA: What percentage of chaukidars and dafadars are taken away?

Mr. PRESIDENT: That question is impossible to answer.

Srijut TARAKNATH MUKERJEA: With reference to answer (*f*), will the Hon'ble Member be pleased to state for how many days at a stretch chaukidars and dafadars are taken away from their union?

Mr. PRESIDENT: I think that question has already been answered.

Dr. BIDHAN CHANDRA ROY: Sir, may I point out that Mr. Mukerjea refers to a distinct question.

Mr. PRESIDENT: I think it is covered by the answer already given, but I have no objection if the Hon'ble Member agrees to throw further light on it.

The Hon'ble Mr. A. N. MOBERLY: I have answered the original question as it stands; for further details I must ask for fresh notice.

Srijut TARAKNATH MUKERJEA: With reference to answer (*h*), is the Hon'ble Member aware that only one anna per diem is paid to the chaukidars and dafadars for diet?

The Hon'ble Mr. A. N. MOBERLY: No, Sir.

Dr. KUMUD SANKAR RAY: Is it not a fact that the Simon Commission passed through Bengal in mid-winter?

Mr. PRESIDENT: The answer is known to everyone.

Dr. KUMUD SANKAR RAY: What I want to know is whether any warm clothing was supplied to these men?

Srijut TARAKNATH MUKERJEA: Is it a fact that instead of eight annas only one anna per diem is given?

Mr. PRESIDENT: That question has already been answered. Mr. Moberly has said "No."

Babu SURENDRA NATH BISWAS: Will the Hon'ble Member be pleased to state whether the chaukidars and dafadars while on duty were in their uniforms?

The Hon'ble Mr. A. N. MOBERLY: That question was not asked in the first instance, and I was not there myself, so I am not in a position to answer.

Babu SURENDRA NATH BISWAS: Does the Hon'ble Member think that the uniform of a chaukidar is quite warm enough to withstand the cold?

Mr. PRESIDENT: I disallow that. It is a request for an opinion.

Babu JITENDRALAL BANNERJEE: Is there in the village union any reserve body of chaukidars and dafadars from which drafts can be made at will?

The Hon'ble Mr. A. N. MOBERLY: No, Sir.

Clerks and muharrirs of the Registration Department.

***29. Mr. K. C. RAY CHAUDHURI:** (*a*) With reference to the reply given to starred question No. 37 at the meeting of the Bengal Legislative Council held on the 3rd August, 1928, will the Hon'ble Minister in charge of the Department of Education (Registration) be pleased to state whether the memorial, dated the 27th February, 1928, submitted by the mufassal clerks and muharrirs of the Registration Department has since been considered by the Government?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

MINISTER in charge of DEPARTMENT of EDUCATION (REGISTRATION) (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): (*a*) The memorial is under the consideration of Government.

(*b*) Does not arise.

Mr. K. C. RAY CHAUDHURI: In view of the fact that Government has sat over this petition of the clerks and muharrirs for the past six months, will the Hon'ble Minister be pleased to state by what time a decision will be arrived at?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I am afraid I am not in a position to state this.

Witness sheds in Civil Courts.

*30. **Srijut NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing the total number of—

(*i*) civil courts at the Khulna Sadar;

(*ii*) cases (including execution cases) fixed in all these courts on the 30th July, 1928; and

(*iii*) witnesses whose attendance was reported in all these cases on that day?

(*b*) Will the Hon'ble Member be pleased to state—

(*i*) whether there is any accommodation for witnesses—either in the civil court building or anywhere within its compound;

(*ii*) the breadth of the verandah in front of these court rooms; and

(*iii*) whether there was any addition to the civil court buildings during 1928?

(*c*) If the answer to (*b*) (*iii*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) what was the total cost of the additional structure; and

(*ii*) why no adequate accommodation for summoned witnesses and parties was then made?

(*d*) Will the Hon'ble Member be pleased to state whether there is any place where people can take shelter which is within reach of call from the court rooms?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased to state the distance of that place from the District Judge's court room?

(*f*) Is it in the contemplation of Government to provide suitable accommodation for witnesses in Bengal where no such accommodation exists at present?

The Hon'ble Mr. A. N. MOBERLY: (*a*) (*i*) On the 30th July, 1928, there were 8 civil courts at the Khulna Sadar.

(*ii*) 478 cases were fixed on the 30th July, 1928, in all those civil courts.

(*iii*) The attendance of 181 witnesses was reported on that day.

(*b*) (*i*) There is at present no separate accommodation for witnesses either in the court buildings or in the compound. The room in the old block of the court buildings originally intended for accommodation

of the witnesses had to be utilised for accommodation of additional courts or offices for which there was no accommodation in the court buildings. The witnesses sit on the verandahs in front of the respective court rooms.

(*ii*) The breadth of the verandah in front of the court rooms of the District Judge, the Additional Judge, Additional Sub-Judge, and Sub-Judge is 10 feet and that of the verandahs in front of the court rooms of the Munsifs is 9 feet. (A new verandah 6 feet wide has been added at the back of the court rooms of the Munsifs. A similar 6 feet wide verandah runs along the back of the whole building.)

(*iii*) There were additions to and alterations in the civil court buildings in the year 1928.

(*c*) (*i*) The total cost was Rs. 74,010.

(*ii*) It was then expected that a room in the old block of the court buildings would be set free for the accommodation of the witnesses after the new additions and alterations had been effected; but as soon as it was found that no such room would be available, provision for a separate witness shed was made in a supplementary estimate. The *said witness shed is now under construction.*

(*d*) The people can take shelter on the verandah which is within the reach of call from the court rooms.

(*e*) Part of the verandah is immediately in front of the District Judge's court room.

(*f*) No general question for provision of witness sheds in the province is under consideration, but individual cases are considered on the recommendation of District Judges and funds are provided from time to time according to urgency of the schemes when money is available.

Srijut NAGENDRA NATH SEN: With reference to answer (*b*) (*i*), will the Hon'ble Member be pleased to state the present use of the room originally intended for the accommodation of witnesses?

The Hon'ble Mr. A. N. MOBERLY: I ask for fresh notice.

3-30 p.m.

Srijut NAGENDRA NATH SEN: With reference to answer (*b*) (*ii*), does the Hon'ble Member know that the verandahs open towards the south and therefore it is inconvenient for witnesses to sit there during the rainy season?

The Hon'ble Mr. A. N. MOBERLY: I have already stated that steps have been taken to provide suitable accommodation for the witnesses.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state, with reference to answer (c) (ii), what is the area of the shed which is now under construction.

The Hon'ble Mr. A. N. MOBERLY: I want notice.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state whether the shed will be large enough to accommodate 181 witnesses?

(No reply).

Unexpended diet money of witnesses in civil cases.

*31. **Srijut NAGENDRA NATH SEN:** (a) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether all unexpended diet money of witnesses in civil cases is refunded to the parties?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state the process of refunding?

(c) Will the Hon'ble Member be pleased to lay on the table a statement showing—

(i) the total amount of such diet money paid by parties in July, 1928, in all the civil courts in the Khulna Sadar;

(ii) the total amount thereof paid to witnesses; and

(iii) the total amount of such unexpended diet money credited to Government and paid to the treasury?

(d) Will the Hon'ble Member be pleased to state whether any change in the process of refunding such unexpended diet money of witnesses has been made during last 10 years?

The Hon'ble Mr. A. N. MOBERLY: (a) The whole amount of unexpended diet money of witnesses is refunded to the parties, provided application therefor is made in accordance with the High Court's rules referred to in the answer to (b).

(b) Payment of diet money which has not been transferred to civil deposit is made under Rule 7, Chapter IX, Volume I, of the Court's General Rules and Circular Orders, Civil, on the responsibility of the cashier. Unexpended diet money on being transferred to civil deposit under the provisions of Rule 53 is treated in the same way as money received in court and its repayment made in accordance with the procedure laid down in Rules 36-43. If any sum of money remains

in deposit for three years, it is carried to the credit of Government under Rule 94, relating to lapsed deposits. Thereafter refund is made in accordance with the provisions of Rules 45 and 97.

(*c*) (*i*) The total amount of diet money paid by parties in July, 1928, in all the civil courts in the Khulna Sadar is Rs. 404-1-9.

(*ii*) The total amount of diet money paid to witnesses in July, 1928, is Rs. 114-12-9.

(*iii*) No amount was credited to Government during July, 1928, and the amount paid to the treasury as civil deposits to prevent excessive accumulation in the hands of the cashier was Rs. 400.

(*d*) No.

Trained teachers for primary schools for girls.

*32. **Srijut NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state whether there are any rules for the guidance of managers of aided primary female schools in the matter of appointment of teachers in such schools?

(*b*) Is it a fact that the Inspectress of Schools insists on the appointment of "trained teachers"?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the nature of this training; and

(*ii*) whether there exists any institution for imparting this "training"?

(*d*) If the answer to (*c*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether the institution is liable to any supervision by the educational officers of Government; and

(*ii*) the position of the Education Standing Committee with reference to this institution?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*a*) There are no special rules for the guidance of managers of aided primary schools for girls in the matter of appointment of teachers in such schools. The appointment of every teacher is notified to the department and every appointment is subject to the approval of the department.

(*b*) The department insists on the appointment of "trained teachers" in schools where a considerable grant is sanctioned by Government and

the authorities can afford to pay the expenses for the maintenance of such teachers. Trained female teachers are not ordinarily appointed in any school unless suitable quarters are provided.

(c) (i) The holders of Junior and Senior Vernacular Training certificates are generally appointed. A copy of rules showing the particulars of the training is placed on the Library table.

(ii) There are three Government and six aided training schools for women teachers in Bengal.

(d) (i) Government training schools for vernacular women teachers are under the direct control of Inspectresses of Schools: aided training schools are liable to supervision by inspecting officers of the Education Department.

(ii) Its position in respect of these training institutions is the same as in the case of other educational institutions.

Srijut NAGENDRA NATH SEN: With reference to answer (c) (ii), will the Hon'ble Minister be pleased to state the names of the three Government and six aided training schools for women teachers in Bengal?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: The names appear at page 3 of the Rules for Vernacular Teachership Examination for Women Teachers.

Passenger fares over inland steam-vessels.

***33. Srijut NAGENDRA NATH SEN:** (a) Is the Hon'ble Member in charge of the Marine Department aware that during the last few years the India General Navigation and Railway Co., Ltd., and the Rivers Steam Navigation Co., Ltd., have increased the passenger fares over their steamer services?

(b) Will the Hon'ble Member be pleased to state whether there is any law by which the activities of the steamer companies can be regulated as in the manner in which the Indian Railways Act, 1890, applies to railways?

(c) If the answer to (b) is in the negative, are the Government considering the desirability of acquiring such powers by any legislative enactment?

(d) Will the Hon'ble Member be pleased to state whether the two aforesaid companies pay any rent to Government or to the Railway Administration where Government or railway land is used by these companies?

(*e*) Are the Government considering the desirability of appointing some officers to inspect and report to Government whether the provisions of the Inland Steam-vessels Act, 1917 (I of 1917), are complied with in respect of passenger steamers, in the matter of the steamer owners' obligations to passengers?

(*f*) Will the Hon'ble Member be pleased to lay on the table a statement showing the gradual increase of passenger fares during the last 10 years in the service of steamers running to and from Khulna?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) A general increase of 10 per cent. was applied to these services in July, 1922. Since then, various small adjustments in fares have been made from time to time, and these adjustments have caused reductions in some fares and slight increases in others.

(*b*) Inland steam-vessels are governed by the Inland Steam-vessels Act, 1917.

(*c*) This does not arise.

(*d*) Yes.

(*e*) Inland steam-vessels are already liable to inspection by Government surveyors.

(*f*) There has been no gradual increase of passenger fares during the last 10 years in the services of steamers running to and from Khulna, apart from the general increase of 10 per cent. mentioned in (*a*) above.

Srijut NAGENDRA NATH SEN: With reference to answer (*e*), will the Hon'ble Member be pleased to state whether there are any officers to inspect and report to Government with regard to these steam vessels?

The Hon'ble Mr. A. MARR: Yes; the Government surveyors.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state the designation of these officers?

The Hon'ble Mr. A. MARR: Government surveyors.

Dafadars and chaukidars.

***34. Srijut TARAKNATH MUKERJEA:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state how much has been contributed by Government in 1927-28 and in 1928-29 towards the salaries and equipment of dafadars and chaukidars of Union Boards as provided under section 37 of the Bengal Village Self-Government Act, 1919 (Ben. Act V of 1919)?

(b) Is it a fact that almost all the money realised by most of the Union Boards is spent to meet the salaries and equipment of dafadars and chaukidars?

(c) Is the Hon'ble Member aware that it is for want of adequate funds that the workings of Union Boards cannot be carried on properly?

The Hon'ble Mr. A. N. MOBERLY: (a) As stated in the reply to question No. 6 (unstarred) at the meeting of this Council held on the 29th August, 1921, section 37 (a) of the Act does not contemplate that Government should be under an obligation to contribute towards the cost of dafadars and chaukidars. Nothing was contributed in 1927-28 or in the current year.

(b) The total income of Union Boards in 1927-28 was more than over Rs. 55,95,000 and the total expenditure on establishment (mostly dafadars and chaukidars) was slightly over Rs. 32,72,000.

(c) No. "Union Boards" are not yet making full use of their powers of taxation.

Dr. PRAMATHANATH BANERJEA: Will the Hon'ble Member be pleased to state, with reference to the answer to question (c), whether the taxable capacity of the people living in these areas has been considered by Government?

The Hon'ble Mr. A. N. MOBERLY: No, Sir, as far as I know.

Srijut TARAKNATH MUKERJEA: With reference to answer (a), will the Hon'ble Member be pleased to state whether Government has ever contributed anything to the Union Boards under section 37 (a) since the creation of the Act?

The Hon'ble Mr. A. N. MOBERLY: I am not quite sure, Sir, whether Union Boards were established in the Madaripur subdivision before 1919.

Babu BEJOY KRISHNA BOSE: Will the Hon'ble Member be pleased to state why, if the Government has no obligation to contribute towards the pay of the dafadars and chaukidars, they are anxious for having a control over these men?

The Hon'ble Mr. A. N. MOBERLY: Government are not anxious to assume any control other than they already possess. They have already enough control and they are not anxious to have more.

Rules to give effect to the provisions of the Bengal Medical (Amendment) Act, 1928.

*35. **Dr. KUMUD SANKAR RAY:** (a) Will the Hon'ble Member in charge of the Department of Local Self-Government (Medical—Reserved) be pleased to state whether any rules have been drafted to give effect to the clauses of the Bengal Medical Act, 1914, as amended by the Bengal Medical (Amendment) Act, 1928 (Bengal Act III of 1928)?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state whether these rules have been published to elicit opinion of the registered medical practitioners before final approval?

(c) If the answer to (b) is in the negative, are the Government considering the desirability of doing the same?

MEMBER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (MEDICAL—RESERVED) (the Hon'ble Mr. A. N. Moberly): (a) Rules have been drafted and are under the consideration of Government.

(b) The rules will be published in due course, and any criticisms offered by medical practitioners or others will be considered before the rules are finally approved.

(c) Does not arise.

Srijut NAGENDRA NATH SEN: On a point of personal information, Sir. Why is the answer given by the Hon'ble Mr. Moberly and not by the Minister-in-charge?

The Hon'ble Mr. A. N. MOBERLY: I am the Member in charge of this department.

Unstarred Questions

(answers to which were laid on the table).

Judicial Branch of the Provincial Civil Service and Language Examination.

23. **Babu JITENDRALAL BANNERJEE:** (a) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether it is a fact that members of the Judicial Branch of the Provincial Civil Service are no longer permitted to appear at the Santhali and other language examination for encouragement of the study of the tribal languages of Bengal?

(*b*) Is it a fact that the said prohibition does not apply to any other branch of the Provincial Civil Service?

(*c*) If so, what is the reason for this discrimination?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) Yes.

(*b*) Yes.

(*c*) Both Government and the Hon'ble High Court consider that a knowledge of these languages is not of much value to members of the Provincial Judicial Service in the discharge of their duties.

Leave allowance of the Court of Wards' employees.

24. Babu AKHIL CHANDRA DATTA: (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether any leave allowance is as a rule sanctioned for the Court of Wards' employees, other than persons transferred from Government service?

(*b*) If not, are the Government considering the desirability of making provision in the annual budget of each estate leave allowance for the pure Wards Estates' employees as contemplated in section 16 of Bengal Act IX of 1879 and of granting it according to the leave rules in the Fundamental Rules as applicable to the permanent employees?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Grant of leave to Court of Wards' employees, other than persons transferred from Government service is ordinarily governed by the provisions of Subsidiary Rule 275 framed under the Fundamental Rules, 1924, as laid down in Rule 43, page 140 of the Bengal Wards Manual, 1928, a copy of which, together with a copy of the Fundamental Rules, is laid on the Library table.

(*b*) No.

Wards employees and their transfer.

25. Babu AKHIL CHANDRA DATTA: (*a*) Is the Hon'ble Member in charge of the Department of Revenue (Land Revenue) aware that there is no system of transfer of Court of Wards' employees from one estate to another, from one district to another or from one division to another?

(*b*) If so, are the Government considering the desirability of introducing the system as far as practicable, both for executive and for ministerial staff?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*) No.

Atia Forest.

26. Babu AMARENDRA NATH GHOSE: Will the Hon'ble Member in charge of the Department of Revenue (Forests) be pleased to state—

(*i*) the number of employees engaged to manage the Atia Forest (Tangail, Mymensingh); and

(*ii*) the amount spent for their maintenance?

MEMBER in charge of DEPARTMENT of REVENUE (FORESTS) (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): (*i*) The staff engaged in 1927-28 consisted of 1 Extra Assistant Conservator of Forests, 2 Forest Rangers, 2 Deputy Rangers, 10 Foresters, 3 Revenue Collectors, 40 forest guards, 6 watchers, 7 peons and orderlies, 1 dakwalla, 1 chaukidar, 1 sweeper, 4 clerks, 4 manjhis and 7 boatmen; and

(*ii*) cost Rs. 27,273-5.

Atia Forest and criminal cases in respect therewith.

27. Babu AMARENDRA NATH GHOSE: Will the Hon'ble Member in charge of the Department of Revenue (Forests) be pleased to state the number of criminal cases which have been instituted since 1925 up till now in the (*a*) criminal courts, and (*b*) local thanas—

(*i*) by the officers of the Atia Forest against the people; and

(*ii*) by the people against the said officers?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: A statement furnishing the information is laid on the table.

Statement referred to in the reply to unstarred question No. 27 showing the number of cases instituted in the criminal courts and local thanas in the districts of Mymensingh and Dacca by and against the forest officers of Atia Forest from 1925 up to 28th January, 1929.

Year.	Number of cases instituted.				Total.	Remarks.
	Mymensingh.					
	In criminal courts.		In local thanas.			
	By the officers of the Atia Forest against the people.	By the people against the forest officers.	By the officers of the Atia Forest against the people.	By the people against the forest officers.		
1925 ..	....	....	....	....	..	Information not available.
1926 ..	42	Nil	5	Nil	47	
1927 ..	14	Nil	1	Nil	15	
1928 ..	82	2	2	Nil	86	
1929 .. (up to 28th January, 1929).	1	Nil	Nil	Nil	1	
Total ..	139	2	8	....	149	
	Dacca.					
1928 ..	1	Nil	Nil	Nil	1	

No other cases relating to the above forest have been instituted in Dacca since 1925.

Sub-Deputy Magistrate of Sandwip.

22. Mr. SATYENDRA CHANDRA GHOSH MAULIK: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether it is a fact that the Sub-Deputy Magistrate of Sandwip sitting in his court as a Judicial Officer had realised moneys from the party or parties in the following criminal cases disposed of on the dates mentioned against them below, before he gave leave for compromise:—

(*i*) Gagan Chandra Guha *vs.* Rajani Kanta Das and his wife, section 324, Indian Penal Code, disposed on 6th June, 1928;

(*ii*) Chandra Sekhar Pal *vs.* Krishna Chandra Pal, section 417, Indian Penal Code, disposed on 27th March, 1928;

(*iii*) Afak Ali *vs.* Sarafat Ali, disposed on 9th January, 1928;

(*iv*) Ratneswar Das *vs.* Lakshmi Charan Das, disposed on 16th December, 1927;

(*v*) Abdul Rashid *vs.* Sasi Kumar Nath, section 379, Indian Penal Code;

(*vi*) Selamat Complainant, disposed on 18th January, 1928; and

(*vii*) Abdul Gafur Complainant, disposed on 7th November, 1927?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement showing the amount of money realised in each of the above-mentioned cases?

The Hon'ble Mr. A. N. MOBERLY: (*a*) No.

(*b*) Does not arise.

Mr. SATYENDRA CHANDRA GHOSH MAULIK: With reference to the answer to this question will the Hon'ble Member be pleased to state whether any inquiry was made?

The Hon'ble Mr. A. N. MOBERLY: Yes, Sir.

Facilities to the Mussalman officers to say their midday prayer.

29. Maulvi SHAMSUR-RAHMAN: Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state what facilities are being given to the Mussalman officers under that department to say their daily midday (*Zohar*) prayer?

The Hon'ble Sir PROVASH CHUNDER MITTER: The Muhammadan officers employed under the Revenue Department are freely allowed to say their midday prayer if they wish to do so.

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state if any facilities are given to the Muhammadan employees of the Revenue Department to say their midday prayers not only on Fridays but also on other days?

The Hon'ble Sir PROVASH CHUNDER MITTER: In a circular letter, dated the 16th May, 1925, to all Commissioners of Divisions, the direction was—

"The Governor in Council after careful consideration has accepted the proposal, and directs that on Fridays the criminal and revenue courts in your Division shall adjourn from 12-30 p.m. to 2 p.m. Work will not be suspended in the offices, but Muhammadan employees of Government should, if they so desire, be permitted to absent themselves during the time that the courts are closed and other Muhammadans having business at the offices should not be called upon to attend during that time."

Maulvi ABUL KASEM: The circular referred to was issued so far back as 1925. I want to know——

Mr. PRESIDENT: I cannot allow you to argue or go beyond putting supplementary questions.

Maulvi ABUL KASEM: Sir, we have been told that a Government circular has been issued so far as prayers on Fridays are concerned. I want to know what facilities are given for midday prayers on days other than Fridays.

The Hon'ble Sir PROVASH CHUNDER MITTER: None.

Maulvi ABUL KASEM: I want to know if the Hon'ble Member will issue a circular for giving facilities to Muhammadan assistants to say their midday prayers on other days.

Mr. PRESIDENT: That is a request for action, I do not allow that.

Ratios of the Lower Division posts to the Upper Division in the Bengal Secretariat.

30. Mr. A. F. RAHMAN: (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to lay on the table a statement showing—

(*i*) the present number of Lower and Upper Division posts in each department of the Bengal Secretariat; and

(*ii*) the ratios of the Lower Division posts to the Upper Division posts in each department?

(*b*) Will the Hon'ble Member be pleased to state whether all the Upper Division posts of the Bengal Secretariat carry the same time-scale pay?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Member be pleased to state—

(*i*) in which of the offices a separate cadre of Upper Division posts is maintained; and

(*ii*) the reasons of such differential treatment?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. A. Marr): (*a*) A statement is laid on the table.

(*b*) Yes, except in the Legislative Department.

(c) The scale of pay of the Upper Division of the Legislative Department is not the same as the Upper Division scale in other departments of the Secretariat, because it is considered that the size of the office does not require the same scale. Moreover, assistants of this department are eligible under certain conditions for overtime pay, a concession that is not enjoyed by any other department of the Secretariat.

Statement referred to in the reply to clause (a) of unstarred question No. 30 showing the number of the Lower and Upper Division posts in the Bengal Secretariat.

	Lower Division.	Upper Division.	Ratios of 2 to 1.
1	2	3	4
Chief Secretary's office	44	27	1 to 1·6
Finance Secretary's office	59	26	1 to 2·3
Revenue Department	28	12	1 to 2·3
Agriculture and Industries Department ..	15	7	1 to 2·14
Local Self-Government Department ..	20	10	1 to 2
Education Department	15	6	1 to 2·5
Irrigation Department	15	7	1 to 2·14
Public Works Department	27	13	1 to 2
Legislative Department	13	2	1 to 6·5

Srijut RADHA GOBINDA RAY: With reference to answer (c), does not the Hon'ble Member think that the comparatively small number of Upper Division assistants in the Legislative Department requires more supervision and responsibility on the part of the assistants concerned?

Mr. PRESIDENT: I do not allow the question.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state the principle under which the ratio of the Upper Division assistants to the Lower Division assistants has been fixed in the different departments?

The Hon'ble Mr. A. MARR: According to the needs of each department.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state as to when these numbers were fixed?

The Hon'ble Mr. A. MARR: I do not remember: I require notice.

Babu KHAGENDRA NATH GANGULY: Does not the Hon'ble Member think that the high ratio of the Lower Division assistants to the Upper Division assistants in the Legislative Department imply that many of the Lower Division assistants do the work of Upper Division assistants?

The Hon'ble Mr. A. MARR: That is a matter of opinion.

Babu JITENDRALAL BANNERJEE: With reference to answer to question (c), is the size of the Legislative Department smaller than that, say, of the Education Department, the Local Self-Government Department, the Irrigation Department, or the Agriculture Department?

The Hon'ble Mr. A. MARR: I cannot say; I want notice.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether these numbers were fixed on different dates or on any particular date?

The Hon'ble Mr. A. MARR: I cannot say.

3-45 p.m.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether these principles were settled on different dates or on one particular date?

The Hon'ble Mr. A. MARR: I cannot say.

Babu KHAGENDRA NATH GANGULY: Will the Hon'ble Member be pleased to state whether the overtime allowance is meant for all the assistants of the Legislative Department?

The Hon'ble Mr. A. MARR: I do not see how this question arises.

Maulvi SYED MUHAMMAD AFZAL: Will the Hon'ble Member be pleased to state whether this overtime allowance is meant for all the assistants of the Legislative Department or not?

The Hon'ble Mr. A. MARR: If the member will refer to the last sentence of answer (c) it will appear to him that the answer is clear.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether Government consider the desirability of revising these figures specially with reference to Industries, Agriculture and Education Departments?

The Hon'ble Mr. A. MARR: No occasion has arisen as far as I know.

Babu JITENDRALAL BANNERJEE: It is stated that the assistants of the Legislative Department are eligible for overtime allowance, but do they get it or not?

The Hon'ble Mr. A. MARR: Certainly, if they are eligible.

NON-OFFICIAL MEMBERS' BILLS.

The discussion on the Bengal Industrial Development Bill, 1928, was then resumed.

Mr. W. L. TRAVERS: In the initiative I should like to say that we, British members, are always willing to take any opportunity of forwarding any measure which has as object the benefit of the people of this province. We are also fully aware of the fact that the author of this Bill is an enthusiastic and sincere reformer who spends much of his time in good work. We are, therefore, disposed at the outset to look over this Bill with sympathy. It matters not at all to us in consideration of this subject that Mr. Sarker happens to be a member of the party whose political opinions materially differ from our own.

I think it may be said that a considerable majority of the people of this province are in favour of a Bill for the development of industries to help, aid and forward schemes for new business and nascent industries. I am personally and very strongly in favour of such a Bill and I have two chief reasons for my opinion. My first reason is the terrible state of unemployment in the province amongst young men—especially amongst *bhadralok*. In my opinion every avenue which is possible should be explored to decrease unemployment even if it means a slight speculation—any new business or new industry that can and will provide employment—is all to the good and to the benefit of the province. My second reason is because an Industrial Bill might add, by opening new channels of trade, in time to the wealth of the province itself, and if the wealth of the province is increased, it means that many social reforms may go forward at a speedier rate than it would be otherwise possible. Therefore, provided such an Act, after being passed into law, was worked with care, with that care which is needed in taking charge of public funds, I feel myself that it would do much good.

In regard to the Bill before the House to-day what we regret to find about this proposed Act is that the project savours of far too much politics. There was, the other day, a Government Bill before the Council which was defeated by a narrow majority. In the Bill there

were some provisions at any rate not bad and some that were good. I feel sure that the Bill was defeated for political reasons rather than on its merits. There were some members here who voted against the Bill because it was a Government measure. There were others I think who voted against the Bill and disliked it because of the Hon'ble Minister who was in charge of the Bill. We have to-day another Bill—a private Bill—before us. In regard to this question of mixing up politics with industries, I would, as an instance, take the fact of the Select Committee which Mr. Sarker has proposed. I think that Committee—I am only using this as an instance—must have been selected for political reasons. I find there, except himself, very few who can be justly and properly called industrialists. I think that in regard to an Industries Bill it should be prepared by men who are in daily and constant touch with industry and commerce and all that appertains thereto. I have no doubt that the appointment on other Select Committees of a distinguished doctor and an eminent lawyer would be most advisable, but in regard to this matter I think it is my opinion—I hold strongly—that the majority of the men should first of all hammer at the Bill and secondly those who are on the Select Committee should be industrialists. There may be one or two lawyers to keep them in order and so on, but the majority of them I think should be men in business. There should also be added to them a banker because we must remember that in a Bill which provides for the aid of industries a considerable amount of public funds are to be dealt with and that the method of lending should have consideration in the Select Committee.

For that reason and for no political reason we support the amendment moved by Mr Guha yesterday. As a further instance that politics is entering so much into this Bill Mr. Gupta—I think—yesterday said that Mr. Guha moved this amendment at the instance of the Bengal Secretariat. I may inform the House that I myself asked Mr. Guha to move this amendment and I was very anxious, there being no political reasons whatever, that this Bill ought to be further improved before it goes before the Select Committee. With great deference I would suggest that if Mr. Guha's amendment be passed, Mr. Sarker should confer with industrialists of all shades of opinion in this House and attempt to frame a Bill that will be a non-political one. And as an evidence of our good faith in the matter we are quite prepared to delegate two or three members of our party who are, indeed, industrialists, to assist Mr. Sarker in his efforts.

Babu NALINIRANJAN SARKER: With due deference to his remarks I must state that my friend Mr. Travers has scented politics in my Bill. I can challenge him that in none of the provisions of my Bill he will find anything of a political character.

With regard to the constitution of the Select Committee I may point out to Mr. Travers that in connection with the Government Bill which he is so enamoured of the Hon'ble Minister proposed the following names to be included in the Select Committee:—

(1) Maharaj Kumar Srish Chandra Nandy;

(2) Myself;

(3) Khan Bahadur Maulvi Azizul Haque, a public prosecutor and a lawyer of Krishnagar;

(4) Mr. Satish Chandra Sen, a solicitor;

(5) Mr. A. K. Fazl-ul Huq, a vakil;

(6) Babu Saral Kumar Dutt, a zemindar;

(7) Mr. Razaur Rahman Khan, a business man, of course;

(8) Mr. W. C. Wordsworth, Editor, *Statesman;* and

(9) Mr. G. P. Hogg, Secretary to the Industries Department.

The Hon'ble Minister has excluded from his Committee the members representing the Bengal Chamber of Commerce and I think he has rightly done so. On the same principle I have constituted my Select Committee. The reason why I have excluded the Government bench is that it is not possible for Government members to express their opinion without the permission of His Excellency: otherwise I would have gladly taken them in.

Now with regard to Mr. Guha's motion. Frankly Sir, Mr. Guha's motion for delaying the Bill is not anything of a surprise to me, for I never had any illusions about the Government solicitude for the industrial development of this province, and when they want to throw out a measure of public utility, you will always find Mr. Guha, their nominee, ready to be a willing tool in their hands. The reason for the adoption of this round-about method by Government is easy to understand. For, having sponsored a Bill of the same sound if not the same substance, they naturally find it difficult, consistent with decency, to offer direct opposition to this measure. Hence the need for a scapegoat. Mr. Guha knows quite well that if his motion is carried, this Bill will hardly have any chance of being put through during the lifetime of this Council. I would have appreciated his boldness if he had given out his real intention, because such a motion as his is a recognised method of shelving a measure. But he pretends, instead, to base his claim on his anxiety to secure public opinion. I need hardly waste powder and shot on showing up the extreme regard for public opinion which Mr. Guha and his friends on that side of the House have evinced on previous occasions. I will therefore content myself with putting him the plain question as to what useful purpose he thinks will be served by circulating this Bill to the public. Can it

be said of this Bill that its main principles or provisions are in any way unfamiliar to the public, or can by any stretch of imagination be considered detrimental to the interests of the country? Only recently public opinion has been expressed on every important point in the Government Bill, as a reference to the three volumes of opinions recently circulated by the Legislative Department will amply show. If the Bill is again circulated it will go practically to the same persons and bodies whose opinions are before the Council. Further, in regard to the Bill under consideration it has been widely published and discussed in the important newspapers—surely indicating a sufficient publicity already achieved. I challenge Mr. Guha to mention one main provision of the Bill on which he apprehends a difference of opinion amongst those who have the interest of the province at heart.

4 p.m.

On the contrary, all important bodies and persons such as the different Indian Chambers of Commerce, the Indian Association, the Marwari Association, Sir Rajendra Nath Mookerjee, have expressed themselves in favour of a Bill like this, and they cannot but repeat their views if this Bill is again before them. Similarly, the European Association, the Calcutta Trades Association, the Bengal Chamber of Commerce, are sure to oppose the Bill as they have done in the previous instance. Look at it as you may, any further circulation of this Bill for eliciting public opinion would not be of any further help to the members of this Council. The needs of the industrial development of Bengal have not been suddenly discovered as the result of a brain-wave of a private member. Their discussion is at least as old as the Indian Industrial Commission of 1916, since when public opinion began to express itself in favour of a Bill like this.

Madras and other provinces have had Acts of their own for a long time. In fact, the case for a Bill for this province has been so overwhelming that the Government themselves have had to bring in one, albeit with the narrow outlook and scope beyond which its bureaucracy cannot range, just enough, in short, to make out a case for governmental care for industries without doing anything more.

I repeat, Sir, that in regard to the Government Bill we have had all the public opinion worth having. Its objects, principles, and general structure, are essentially the same as those of the present Bill. In fact, I am sure, the former Bill would have emerged in this very form from the hands of the Select Committee if the Government had issued instructions to the Select Committee, as proposed by Mr. Kiran Sankar Roy. Therefore, Sir, in spite of devoting anxious thoughts to Mr. Guha's arguments, I have failed to discover any substance in them. I may incidentally add that I had occasion to notice a great stir and activity amongst the members of the Treasury Bench for securing votes

in favour of Mr. Guha's motion. I need not refer specially to an Indian member on the Reserved Side, whose mischievous activities against the best interests of the country have become a by-word with his countrymen. But what took me by surprise was that another honourable member, whose peaceful somnolence in his Council seat is never disturbed even by the most impassioned appeals for his distressed countrymen, should have been so wideawake in the lobby at the dire prospect of this Bill being even taken up for consideration.

It is a truism that there may be a prosperous indigenous industry or a prosperous alien bureaucracy, but never both together. I know, therefore, that the more I can make out that this Bill will influence the country's prosperity, the more strenuous will be the opposition of those who are dependent for their advancement on bureaucratic favour. But may I not appeal to the rest of the House, to the members who come from the country-side and have seen how it is dying by inches under present conditions, to cast aside for the moment all party considerations and make a united effort so to mould this Bill by their collective wisdom as to give a starting point for an upward economic movement before starvation has sapped the strength of the country beyond all possibility of revival?

I would appeal to them not to allow this measure to escape our ken altogether by consenting to shelve it now.

Then, Sir, with regard to the Select Committee, I am prepared to accept all the names proposed by the different members, and if Government agree and if you permit me, Sir, I am prepared to take even some of the Government members on the Select Committee.

Mr. S. C. MUKERJI: Mr. President, Sir, on the 4th of February last, the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, introduced his Bill. I opposed that Bill not on the ground, as stated by Mr. Travers, that it was a Government measure, or because it was introduced by the Hon'ble Minister, as if I had a personal animus against that hon'ble gentleman. I want to make it clear that I opposed the Bill because I did not consider it to be a good Bill, or a comprehensive Bill either, and I opposed it in favour of this Bill because I consider that the present Bill is a more comprehensive measure. This piece of proposed legislation is of momentous importance, and the more I peruse the provisions of this Bill, the more I feel convinced that this proposed piece of legislation should be circulated to the country once more for eliciting the opinion of public bodies. When I read the Bill and understand its underlying principles as contained in clauses 3, 7—especially 7 (*a*), which is a restrictive clause—10, 11, 13 and 15, I have not the slightest hesitation in saying that this Bill requires the most considered judgment of all the public bodies who are interested in the industrial development of this province.

Sir, in clause 3 of the Bill I find that the hon'ble mover has mentioned the Bengal Chamber of Commerce, I should like to know what the Bengal Chamber of Commerce has got to say about this Bill. Again, in the same clause I find that it is proposed that there should be two members from the Bengal National Chamber of Commerce. I should like to know what the Bengal National Chamber of Commerce has got to say about this important piece of legislation. Further, in that very clause I find that there is a proposal of having two representatives, to be selected by the Government from time to time, to represent particular classes of industries and interests of the Indian mercantile community. I should like to know what the Indian mercantile community has got to say about this measure. I shall not reiterate my points, but look at clause 7 (*a*), which is a highly restrictive clause. I should like to know what the country has got to say regarding this restriction.

As regards the question of want of time, if my hon'ble friend is alert, if he is up and doing, I do not see any reason, Sir, why he cannot have an expression of opinion from the bodies I have mentioned within the course of a month. Surely, the Hon'ble Minister can arrange for that, and surely the Bill can come up again either in the July or the August session, or at the latest during the November session. It is true, that the life of this Council is going to run out shortly, but I submit that the Bengal Legislative Council is not going to expire.

It has been said by my Swarajist friends that Babu Naliniranjan Sarker may not be a member in the next Council. I am perfectly sure that there will be many Naliniranjan Sarkers——.

Dr. BIDHAN CHANDRA ROY: Sir, may I correct Mr. Mukerji? It is not any member on this side of the House, but Mr. Guha who said this.

Mr. S. C. MUKERJI: I think something came from the other side too. However, there is no use quarrelling over this matter.

Now, Sir, in view of the observations I have made, I feel thoroughly convinced that this Bill should be circulated to the country for eliciting public opinion thereon.

Babu AKHIL CHANDRA DATTA: Sir, you will excuse me if I make one personal observation. There was a time when I used to speak a lot in this House, but since then I have lost all faith in speech-making, ordinarily I find it difficult to overcome my disinclination to speak. But this particular matter is so very important that I feel I should be failing in my duty if I were to record merely a silent vote. Now, as regards this amendment of Mr. Guha for circulation of the Bill, may I ask him one question though I do not see him here? Does he seriously believe that there is really a controversy over the

necessity and urgency of this measure? Is it a thing about which public opinion in this country has not definitely been expressed before? We all know that year after year the Indian Industrial Congress has passed resolutions urging upon all provincial Governments to pass legislation for the development of industries by Government aid. At Calcutta, we had the 4th session of the Indian Industrial Congress under the presidency of Sir Dinshaw Petit. In Madras, there was a session under the presidency of Sir Ebrahim Rahimtullah. In each of these sessions resolutions were passed insisting upon Government to pass legislation for the encouragement and development of industries. Now, as was said by my friend yesterday—I think it was Dr. Roy—this is not a measure upon which the man in the street can pass an opinion. It is after all of a somewhat technical character, and therefore it is only those who are engaged in industries and who have studied the question are in a position to pronounce an opinion on it. Now, from that point of view, I do not know what better opinion, or more weighty opinion, can be expressed by the people of this country, than what is being expressed year after year by the Indian Industrial Congress.

It has been repeatedly said by Mr. Guha that the people should be allowed to say what they got to say on this matter. What about the Government Bill which was considered by the people? When they gave their opinion on the Government Bill, I submit that they gave it on the whole question as to how and in what manner and to what extent Government should aid industries in this country. After that, I do not see what useful purpose will be served by circulation of the Bill for fresh opinion.

Objection has been raised that the Bill is not acceptable to many members because the constitution of the Select Committee as proposed by Mr. Sarker smacks of a political complexion. May I invite the attention of this House to——.

Mr. PRESIDENT: I should like to adjourn the Council for prayer, Mr. Datta. Have you much more to say? Anyway, you can continue later if you so desire.

[At 4-15 p.m. the Council was adjourned and it re-assembled by 4-30 p.m.]

Babu AKHIL CHANDRA DATTA: As regards the objection raised to the constitution of the personnel of the Select Committee, it has been said that members proposed on the Select Committee of Mr. Sarker are people who are not experts in industries. May I ask whether the members whose names were proposed on the Select Committee of the Government Bill are experts in industries? As I find the names of the members on the Select Committees of the two Bills, there is nothing very much to choose between the two Bills. There we find on the Government Select Committee Maharaj Kumar Srish Chandra Nandy,

a zamindar; Babu Naliniranjan Sarker, the mover of the present Bill; Khan Bahadur Maulvi Azizul Haque, a lawyer; Mr. S. C. Sen, another lawyer; Mr. A. K. Fazl-ul Huq, another lawyer; Babu Saral Kumar Dutt, a lawyer and Congressman; and Mr. Razaur Rahman Khan, a lawyer. It is very difficult to find out how these names differ in any way from the gentlemen proposed by Mr. Sarker. Now another objection taken is that the Bill should be in charge of one who is something like a captain of industries. May I say in reply if the Hon'ble Minister who was in charge of the Government Bill is in any way more fitted to deal with this matter than Mr. Sarker. So, there is nothing in that argument; besides, Mr. Sarker is quite prepared to take some Government members on his Select Committee.

Another objection taken was in connection with a statement that Mr. Guha was prompted to move his amendment by Government and exception has been taken to that statement. It has been said by Mr. Travers that it was not the Government but it was rather he who prompted Mr. Guha to move his amendment. I wonder whether Mr. Travers or Mr. Guha can realise that this is neither a repudiation of the charge nor a contradiction but is rather a confession out and out. If anybody, in matters like this regarding the economic policy of Government, says that so and so is being dominated by Government it is tantamount to saying that he is really dominated by the British merchants. After all it is common knowledge that India is not governed merely by the Government but by the British merchants in Clive Street, and the Secretary of State for India is dominated absolutely by the vote of British manufacturers. We know that the economic policy that has hitherto been pursued by the British Government with regard to the industries in India was always formulated for the benefit of England, not of India. It has been said, not by Congressmen but by more responsible people, that exploitation and administration go hand in hand in India. I do not know whether there can be a better or worse confession than this, and we all know that the policy of Government for the last 150 years has been not to develop the industries of India but to find a market in India for British-manufactured goods. Our grievances is that our raw products are taken over to England, made into finished goods there, brought back to India not for the benefit of India but of the British people. That has been the economic policy of Government all these years. But whatever might have been the reason, the Government now wants to say that they have changed their mentality. Government wants to say that it is trying to provide for State aid to industries, and as a matter of fact there was a Bill, however unsatisfactory, for this purpose. That being so, there is no difference as to whether Mr. Guha is prompted by the Government or by Mr. Travers. There is nothing to choose between them.

Then, Sir, objection has also been taken to the representation on the Board. I find in section 3 of Mr. Sarker's Bill that all the important commercial associations, the Chambers of Commerce and the Local Government and the Indian mercantile community, are all represented on the Board. So, there can be no exception taken to the constitution of the Board unless the object is to make the Board an absolutely nominated body. The real difference lies here between the Government Bill and Mr. Sarker's Bill. The Government Bill is only a half-hearted measure, an eye-wash, a mere camouflage, but the real spirit of progress and development is not there. If you say that we do not want the Bill, we do not want to develop our industries—that is an attitude which one can appreciate, but do not come by the back door and have it shelved in the manner in which it has been proposed by Mr. Guha. I wonder if Mr. Guha realised that he allowed himself to be made a pawn in other people's game.

Mr. K. C. RAY CHAUDHURI: One of the reasons which has prompted me to support the motion for the circulation of the Bill for eliciting public opinion is the absence of any clause in this legislation about fair wages. Sir, for the edification of some of my Indian friends I must mention to them that in all legislations relating to industrial matters in Europe and America, and for financial assistance given by the State, the industrial concerns are required to give a guarantee that they will pay fair or living wages to labour, and this principle has also been accepted here by the Government of India. For example, in connection with the grant of a bounty on steel to the Tatas, the firm had to give a guarantee that they would spend so much money for the welfare of labour, and on that guarantee the bounty was sanctioned. As a matter of fact, my labour colleague and myself were consulted, when the Government of India were discussing the question of protective duty on imported paper or bounty to Indian paper mills. It so happened that there was a paper mill at Kankinara, and the Government of India took into consideration the views of the labour of Kankinara on this question. We insisted on the firm concerned as to whether they were prepared to guarantee for the welfare of labour, and when they agreed to our proposal, we sent a wire to the Government of India approving the proposal. This led to the revision of the tariff on imported paper.

Neither the Government nor Mr. Sarker, however, thought fit to give labour their proper representation on the Select Committee. There can be no industrial legislation without having any concern with labour. I claim that any concern applying for financial assistance under this proposed legislation must give a guarantee that they will deal fairly with their labour and will give them a living wage. Therefore, Sir, the Bill should be circulated and Government must make a note of this that that Bill, when under circulation, goes through the

registered trade unions, and Government should also see whether these unions are in favour of inserting a clause of the description suggested above. I understand that the British Act known as Trade Facilities Act includes a provision about fair wages for labour.

With these few words I support the motion for circulation of the Bill for eliciting public opinion thereon.

Mr. E. C. ORMOND: I rise also to support the motion for circulation of this Bill. Whatever the fate of this Bill, whether it is circulated or not circulated, whether it is sent to a Select Committee or not sent to a Select Committee, whether it is passed or not passed, of this at least I am certain that I cannot stand in this place as an industrial expert; but I would, with all humility, ask the hon'ble members of this House to look at this Bill from the point of view of a level and unbiassed mind. May I say, Sir, that in the first place, it matters not whether this is a Government Bill or Mr. Sarker's Bill? The question is, is it a good Bill for Bengal?

Now, Sir, with regard to the question of circulation, a point has been made, why circulate this Bill? A Government Bill to the same effect has already been circulated. We know everything which every body has to say in this matter, but, Sir, that is not this Bill which has been circulated; and I submit to the hon'ble members of this House that there are several features of the present Bill which required further consideration by persons who are industrial experts.

4-45 p.m.

I would ask the hon'ble members to let their eyes fall first of all on paragraph 5 which runs as follows: "The Local Government shall have power to start and carry on such pioneer industries as may be recommended from time to time" and so on. Whether it is a good thing or a bad thing that Government should start and carry on business to compete with individual and private enterprise, I do submit that this is a point which requires further consideration than it has had by persons who are industrial experts and whose opinions are worth having. I would submit that my hon'ble friends on the other side of the House would be the first to oppose such a scheme for the spoon-feeding of industries by Government. I am not suggesting any conclusion as to whether it is a good thing or a bad thing, I only submit to any level-minded, unbiassed man that these are points which require further consideration.

Then to take another paragraph—paragraph 8: "The Local Government may delegate its power under certain conditions to the Board." Now, Sir, that again, I submit, is a question which requires further consideration.

Similarly, in paragraph 10 we find: "Every loan granted under this Act shall be secured by a specific mortgage" and so on "upon the whole of the assets of the business or enterprise subject to any encumbrances existing at the time of the grant." Does it not strike the hon'ble members that the first use to which that section of the Bill will be put will be to ask Government to bolster up dying industries which are already mortgaged up to the hilt? I submit that is not the object of the proposer or the supporters of this Bill. I would also submit that this point also requires further consideration: whether or not in a Bill of this nature there should not be some clause restricting the amount of the loan relatively to the amount of the assets of the business in favour of which the loan is granted.

To move now to paragraph 12, which reads as follows: "In any case in which a loan or loans is or are granted under this Act amounting to two lakhs of rupees or upwards the Board shall, and in any other case, may, by the appointment of directors or otherwise, take power, etc." I need not read any further. I submit that it is hardly the intention of the proposer and the supporters of this Bill that this clause should be used, as I submit it may be used, in this way. I submit that on that clause it would be perfectly possible for Government to look round Bengal and find out the most profitable businesses in Bengal and then arrange that the businesses apply for a grant and it would then give them the grant. It would then by the appointment of directors or otherwise take power to ensure such control over the committee of business or enterprise as may suffice in their opinion to safeguard their interests. Well, Sir, why should we have Government interfering in business which did not need any interference or support? That, it may be said, is merely the wording of the Bill but I do submit that the hon'ble members who will look at this matter with an entirely unbiassed mind, free from the heat of the battle which may have occurred over the last Government Bill, will vote with me in favour of the circulation of this Bill and if I may be allowed to take advantage of the occasion afforded to me—since I shall not in the course of my life, have any other recurrence of such opportunity—I would appeal to my friends on the other side of the House, whose sportsmanship I have had occasion to notice outside this House, to show that same sportsmanship inside the House. Since it is not a matter of principle but merely of procedure and since, in any case—I put it to them—they cannot win their point on this motion, I make so bold as to ask my friends on the other side of the House—to use what I may call a quixotic or a sportsmanlike decision—to vote with the junior member of this House in this matter.

Srijut NAGENDRA NATH SEN: On the 9th July, 1926, in the absence of Dr. Pramathanath Banerjea, Babu Devi Prasad Khaitan

moved a resolution in this Council recommending to the Government that a committee consisting of three officials, and nine non-official members of the Bengal Legislative Council be appointed to prepare a Bill for affording Government assistance to industries in Bengal. From the minute book which is kept on the table we find that the action which the Government were pleased to take on this resolution is couched in this language: "It appears from the printed proceedings of the meeting that the real intention of the mover was to expedite the introduction of a Bill on this subject in the Council. As, however, steps have already been taken to draft a Bill so that it may be presented to the Council early next year Government do not consider that any useful purpose will be served by the appointment of a committee." That was in July, 1926, and "early next year" must necessarily mean "early 1927." We all know that nothing was done in 1927; nothing was done in 1928, and when in 1929 the Hon'ble Raja Bahadur of Nashipur introduced a Bill for this purpose it was sent for circulation because it was found to be unsatisfactory and disappointing. Not that the Bill was not necessary, not that such a Bill would not be useful but because the Bill was of such an unsatisfactory nature that this Council had no other alternative than to put it to circulation.

Yesterday Mr. Bejoy Krishna Bose from this side of the House analysed the principles of the two Bills, one introduced by the Raja Bahadur of Nashipur and the other by Babu Naliniranjan Sarker. He showed that the present Bill is far superior to that introduced by Government and if the necessity of such a Bill is already patent I fail to understand the attitude of the European members who have taken the trouble of making long speeches in order that the Bill may be shelved, and no action taken on it. Fortunately in the year 1926 the attitude of the non-official European community was much better than what is now presented before the House. Dr. Moreno, speaking on the resolution of Mr. Khaitan, said—and I am reading from the official proceedings: "I think the strongest words are necessary in support of the resolution moved by Mr. Khaitan. We hear a great deal in Bengal of unemployment." Further down he continues "I feel sure that the Hon'ble Nawab Bahadur (referring to the Hon'ble Nawab Saiyid Nawab Ali Chaudhuri who was then the Member-in-charge) who has always done everything towards encouraging indigenous industries—now that he is in office will do something towards the encouragement of these industries and thereby earn the lasting gratitude of the people of Bengal who are now going from pillar to post and from post to pillar seeking for petty appointments. I think Mr. Khaitan is entitled to our grateful thanks for putting forward this resolution which, I trust, will be supported by every one in the House and that Government will look a little more kindly towards the material prosperity of the people of this province." Now look at the attitude

of Dr. Moreno and that of Mr. Travers and other non-official European members of this Council who have been pleased to speak on the Bill. I do not find any cogent reason in the arguments put forward by Mr. Travers and other European gentlemen for putting the Bill to circulation. I do not find from their reasonings that any good will come from killing this Bill. As it has been challenged by Mr. Datta from our side, if the non-official Europeans want to kill the Bill, let them say so frankly or if they are opposed to the development of industries in Bengal let them say so frankly and we will know our position as already we know what our position is. Then we shall be happy. But what will be the good of sending this Bill for circulation so that it may not come up for the next few months after which this Council will be automatically dissolved? If it can be shown that the provisions of the Bill are unsatisfactory or disappointing or that something more is needed or that there is something in the Bill which is not desirable at the present stage, we could understand the attitude of the non-official European benches. The Government benches have not yet intimated their attitude towards the Bill. When we find that Government itself introduced a Bill in March last, with what grace can the Treasury benches say that this Bill is not necessary or that it cannot be taken up now?

With these words I earnestly appeal to my friends of the non-official European community, official Europeans, official Indian members representative of Government, members of the Union party, to do some constructive work, to show that they are capable of affording some relief to the unemployed people of this province by inducing Government to give some aid to the industries so that Government may earn the undying gratitude of the people.

Maulvi LATAFAT HUSSAIN spoke in Urdu, the English translation of which is as follows:—

"I also support the circulation of this Bill as there is no provision about good wages for labour. Thousands of workers are getting very poor pay while employers are making good profit. The Government must see that before helping any industry with loan that the labour in that industry is fully protected. What we want, not protection of industries alone but protection of labour as well. As Secretary of Kankinara Labour Union I was asked to recommend the paper mill at Kankinara for protection by imposing duty on foreign paper; I consulted the workers of that paper mill and they agreed on condition that their mill authorities pay good wages and accord good treatment to them. The paper mill which was in very bad condition financially got the protection but the owners forgot all about the promise. I therefore want that this Bill be circulated to all registered labour unions for their

opinion and for a clause about wages to labour. I am for the principle that Government must see that the workers in the industries seeking Government help get full protection."

5 p.m.

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, we have discussed this matter for a long time. May I request you to apply the closure now?

Mr. PRESIDENT: I too think that we have spent much time over this matter and there are, perhaps, no other members willing to speak; so, I will put the question forthwith.

The question is that the question be now put.

The motion was put and agreed to.

The motion that the Bengal Industrial Development Bill, 1928, be circulated for the purpose of eliciting opinion thereon within two months from the date on which this motion is carried in Council was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Choudhury, Maulvi Khorshed Alam.
Cohen, Mr. D. J.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Gilchrist, Mr. R. N.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Hogg, Mr. G. P.
Hossain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Hussain, Khan Bahadur Maulvi Syed Maqbul.
Hussain, Maulvi Latafat.
Jenkins, Dr. W. A.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Laird, Mr. R. B.
Lamb, Mr. T.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Martin, Mr. O. S.
McCluskie, Mr. E. T.
Mitter, Rai Bahadur Manmatha Nath.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mukerji, Mr. S. C.
Ormond, Mr. E. C.
Philip, Mr. J. Y.
Philpot, Mr. H. C. V.
Prentice, Mr. W. D. R.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur.
Rauf, Maulvi Syed Abdur.
Ray, Babu Nagendra Narayan
Ray Chaudhuri, Mr. K. C.
Rose, Mr. G. F.
Ray, Mr. Bijay Prasad Singh.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Sattar, Mr. Abdool Razak Hajee Abdool.
Sinha, the Hon'ble Raja Bahadur Bhupendra Narayan.
Sulaiman, Maulvi Muhammad.
Stapleton, Mr. N. E.
Tate, Major-General Godfrey.
Thomas, Mr. H. W.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. G.

NOES.

Ahamad, Maulvi Asimuddin.
Bagchi, Babu Romee Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Basu, Mr. Sarat C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakraburtty, Babu Jatindra Nath.
Chakravarti, Babu Jogindra Chandra.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Maulvi Nurul Huq.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra
Himatsingka, Babu Prabhu Dayal.
Hoque, Kazi Emdadul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Tarakanath.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Shamsur-.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.

The Ayes being 58 and the Noes 42, the motion was carried.

Mr. PRESIDENT: Having regard to the fact that this amendment has been carried, the original motion of Babu Naliniranjan Sarker to refer the Bill to a Select Committee falls to the ground and also the subsequent motion with regard to the personnel of the Committee.

The Bengal Prevention of Dangerous Diseases Bill, 1928.

Dr. KUMUD SANKAR RAY: Sir, I beg leave of the House to introduce a Bill to provide for the control and prevention of dangerous diseases in Bengal.

The motion was put and agreed to.

The Secretary then read the title of the Bill.

Dr. KUMUD SANKAR RAY: Sir, I beg to move that the said Bill be referred to a Select Committee consisting of the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, Dr. Bidhan Chandra Roy, Babu Naliniranjan Sarker, Major-General Godfrey Tate, Mr. H. S. Suhrawardy, Mr. J. G. Drummond, Babu Saral Kumar Dutt, Rai Harendranath Chaudhuri, Maulvi Abdul Karim, Mr. P. C. Basu, Mr. Kiran Sankar Roy, Dr. J. M. Das Gupta, Mr. J. Campbell Forrester, Babu Surendra Nath Biswas, Babu Bejoy Krishna Bose, Babu Jatindra Nath Chakraburtty, Mr. Satyendra Chandra Ghosh Maulick and myself, with instructions to submit their report before the next March session of the Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

In moving that the Bill be referred to a Select Committee it is not necessary for me to inflict a long speech on the House. I would, however, refer to the main provisions which I propose to introduce into this Bill. The Bill aims at the compulsory notification of certain diseases which are infectious in order to prevent the spread of infection to other persons, and for this purpose it is incumbent on all medical practitioners to notify, whenever they come across any such case, to the local authorities whoever they may be; for instance, in the case of villages to presidents of Union Boards, or in the case of municipalities to chairmen and health officers, or in the case of other places to those local authorities who are competent to deal with these cases. It is not my purpose simply to obtain notification. Notification by medical men alone ensures correct statistics of persons suffering from infectious diseases: the present system is that the chaukidars and dafadars collect the figures of persons who die of such diseases and hence the reports are often incorrect. It is not my intention to collect this statistical information only. My object is to bring to light cases of patients who are actually suffering and to see that there is no danger of infection spreading to the people living in the locality. My next point is to arm the local authorities with certain powers by which they can take the necessary steps to prevent the spread of these diseases. The local authorities, therefore, should have the right to inspect the houses where these infectious diseases occur, and they should be allowed free access either by giving notice or without notice. To this end they must also have power to prevent the use of water from tanks and wells which have been contaminated by the use of these diseased persons. We all know that cholera is spread by the use of polluted water and the local authorities must be armed with powers by which they can prevent the use of such water and also they should be provided with powers to get such water disinfected. Now, the question is who should bear the cost of disinfection. What I have suggested is that this cost should be met by persons actually occupying the house or in his absence the owner of the premises. I have also provided, considering the poverty of the people, that in cases where persons on account of poverty are unable to bear the cost, the local authorities should bear the cost. These are the main provisions and in order to make the Bill attractive I have provided for small rewards. It is the duty of every medical practitioner to notify these cases, irrespective of the question of rewards.

5-15 p.m.

It is our duty to see that others—our neighbours—are also prevented from these infectious diseases. There is also a penal clause penalising any one who knowingly neglect to or do not notify the presence of these cases coming under their notice.

The other clauses are not so important, that is, the particular form in which the notification has got to be made, and I have left that to the Local Government to decide, as well as the particular diseases which from time to time may be included in the schedule of dangerous diseases, because certain diseases, though not prevalent now, might come in and it may be necessary to include them. Therefore I have given power to the Local Government to include these diseases by notification in the local gazette.

It does not require a great deal of talking to convince the urgency of this Bill. In all other countries of the world, specially in Europe and America, determined attempts to fight these diseases have succeeded in lowering the death rate from infectious diseases. Mortality from tuberculosis is reduced to 50 per cent. within the last 5 years by strict notification. Cholera has almost been stamped out of the European countries and small-pox has been reduced to a negligible factor, and this they have achieved mainly by compulsory notification and taking all kinds of preventive measures whenever any isolated case occurred. The toll of tuberculosis which Bengal pays is nearly one lakh a year, and the number of persons afflicted with such disease is calculated to be eight lakhs who are spreading the infection to others, and the economic loss due to T. B. alone has been estimated at something like two crores of rupees a year. Unless some measure is taken immediately it will be very difficult to combat the disease later on. It has been said that owing to political situation in this country any Bill which aims at conferring certain additional powers on the local authorities is looked upon with suspicion. There is sufficient ground for that. The people in the European countries do not object to the inspection of the infected places and the inspecting officers are at liberty to visit the plague spots and such laws act beneficially. But in this country the cloud of suspicion is already in the horizon, and naturally there are some people who may object to these powers being conferred on the local authorities on the ground that they may be abused. There may be isolated cases of abuse, but the question is so serious that we should not think of abuses at the present moment. Moreover, the powers would be given to popular elected representatives whom I have no hesitation in trusting with necessary powers. We have got to save the lives of our own and those of our neighbours, and we can claim protection from the State. I do not see any reason why the State should not come forward to save people from the clutches of infectious diseases. These diseases create a greater havoc than any riots or robberies. With these few words I submit my motion for the consideration of this House.

The following motion was called but not moved:—

"**Srijut RADHA GOBINDA RAY** to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon before the 20th of June, 1929."

Srijut RADHA GOBINDA RAY: I formally move that after the name of Mr. Satyendra Chandra Ghosh Maulik, the following names be inserted, namely:—

"Babu Pramatha Nath Banerjee,
Srijut Bijay Kumar Chatterjee, and
Srijut Radha Gobinda Ray."

Babu AMARENDRA NATH GHOSE: I formally move that after the name of Mr. Satyendra Chandra Ghosh Maulik, the following names be inserted, namely:—

"Babu Akhil Chandra Datta, and
Babu Amarendra Nath Ghose."

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Dr. Ray has clearly explained the object of this Bill, and being a medical man it is very good of him to bring forward a Bill of this nature. He has exhaustively explained the different provisions of the Bill which for a layman like myself would not have been possible. I should like at this stage to state the attitude of Government in regard to this Bill. On behalf of the Local Government I fully accept the principle which underlies it and congratulate the mover, Dr. Ray, on the constructive attempt to improve public health conditions in Bengal. The provisions of the Bill correspond to certain clauses of the proposed Bengal Municipal Bill and of the Bengal Public Health Bill, both of which were circulated for opinion some years ago. The opinions which were then received on these clauses will be put before the Select Committee if this House agrees to the motion. The members of this Council will naturally want to know why Government, after approving of the principle of this Bill, have not placed before them any official Bill having the same object in view. The fact is that the Bengal Municipal Bill contains 541 clauses, besides schedules, and many of its provisions are of somewhat controversial character. If it were now introduced, it is very doubtful if it could be considered by a Select Committee and by the House itself before, in the natural course, the life of the present Council is due to end. If it so happens that the lifetime of this Council is prolonged beyond the normal term, I propose to place the Bengal Municipal Bill before the House at an early date. I have consulted the Standing Committee and they have also advised me to introduce the Bill if the life of the Council is extended. Meanwhile Government welcome this little Bill as a step towards improvement of public health conditions in Bengal.

With these few remarks I beg to support the Bill.

The motion of Srijut Radha Gobinda Ray was then put and agreed to.

The motion of Babu Amarendra Nath Ghose was then put and agreed to.

The following motion was then put and agreed to:—

"That the Bengal Prevention of Dangerous Diseases Bill, 1928, be referred to a Select Committee consisting of the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, Dr. Bidhan Chandra Roy, Babu Naliniranjan Sarker, Major-General Godfrey Tate, Mr. H. S. Suhrawardy, Mr. J. G. Drummond, Babu Saral Kumar Dutt, Rai Harendranath Chaudhuri, Maulvi Abdul Karim, Mr. P. C. Basu, Mr. Kiran Sankar Roy, Dr. J. M. Das Gupta, Mr. J. Campbell Forrester, Babu Surendra Nath Biswas, Babu Bejoy Krishna Bose, Mr. Satyendra Chandra Ghosh Maulik, Babu Jatindra Nath Chakraburtty, Babu Pramatha Nath Banerjee, Srijut Bijay Kumar Chatterjee, Srijut Radha Gobinda Ray, Babu Akhil Chandra Datta, Babu Amarendra Nath Ghosh and Dr. Kumud Sankar Ray, with instructions to submit their report before the next session of the Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

The Bengal Pasture Bill, 1928.

Babu JATINDRA NATH CHAKRABURTTY: I beg to move for leave to introduce a Bill to provide for the acquisition, recovery, protection and management of pasturages in the Presidency of Bengal.

The motion was put and agreed to.

The Secretary then read out the title of the Bill.

The Bengal Cattle Bill, 1928.

Babu JATINDRA NATH CHAKRABURTTY: I beg to move for leave to introduce a Bill to provide for the protection of cattle in Bengal.

The motion was put and agreed to.

The Secretary then read out the title of the Bill.

The Calcutta Rent Bill, 1928.

Babu JITENDRALAL BANNERJEE: I move for leave to introduce a Bill to improve the tenancy condition in Calcutta.

The motion was put and agreed to.

The Secretary then read out the title of the Bill.

5-30 p.m.

Babu JITENDRALAL BANNERJEE: I beg to move that the Calcutta Rent Bill, 1928, be taken into consideration.

As regards this amendment I only move it formally. I notice that there is an amendment by Mr. Guha for the circulation of the Bill for eliciting public opinion. I cannot reasonably oppose the amendment; therefore, if Mr. Guha moves his amendment, I shall accept it.

Mr. P. N. GUHA: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon within two months from the date on which this motion is carried in Council.

I do not think there is any necessity to give any reason for circulating the Bill for eliciting public opinion, and as Mr. Bannerjee has agreed to accept the amendment, I only formally move this amendment.

The motion of Mr. P. N. Guha was then put and agreed to. Babu Jitendralal Bannerjee's motion failed.

Adjournment.

The Council was then adjourned till 3 p.m., on Monday, the 11th February, 1929, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 11th February, 1929, at 3 p.m.

Present:

The Hon'ble the President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers, and 99 nominated and elected members.

Alteration in the sitting hours of the Council.

Mr. PRESIDENT: GENTLEMEN On Thursday last I received a petition from certain Muhammadan members of this Council asking me to alter the sitting and closing hours of the meetings during period from to-morrow, the 12th to 12th March next to accord facilities for breaking the "Ramzan" fast after sunset. The petition was duly forwarded to His Excellency the Governor who has been pleased to direct that the sitting hours of the Council from to-morrow till the period of "Ramzan" is over will be 2-30 p.m. to 5-30 p.m. instead of 3 p.m. to 7 p.m., as on other days. Accordingly the sitting hours will be so altered for the meetings of the 12th, 13th, 20th and 28th February and 1st March, 1929.

Starred Questions

(to which oral answers were given).

Copy of the first information report to the police.

*38. **Kazi EMDADUL HOQUE:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether there is any rule for furnishing the person giving the first information report to the police with a copy of the report then and there?

(*b*) If not, are the Government considering the desirability of making a rule to that effect?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) No.

(*b*) No.

Dr. KUMUD SANKAR RAY: Will the Hon'ble Member be pleased to state whether it is a fact that generally police officers record the first information report on scrap paper?

The Hon'ble Mr. A. N. MOBERLY: As far as I am aware they do not, but I will inquire into the matter if fresh notice is given.

Dr. KUMUD SANKAR RAY: If so, are the reports liable to be changed subsequently?

(As there was no reply from the Hon'ble Mr. Moberly, Dr. Ray said: "Shall I repeat my question"?)

Mr. PRESIDENT: I do not think the Hon'ble Member is inclined to answer your question, Dr. Ray.

Babu BEJOY KRISHNA BOSE: With reference to answer (*b*), will the Hon'ble Member be pleased to state why Government think that the course recommended is not desirable?

The Hon'ble Mr. A. N. MOBERLY: They simply think that it is not desirable.

Babu BEJOY KRISHNA BOSE: Are the Government aware that copies of search lists are always furnished to the parties concerned? If so, why is it not desirable that copies of first information reports should also be so furnished?

The Hon'ble Mr. A. N. MOBERLY: Because there is no rule to that effect.

Rivers Chandana and Upper Coomar in Faridpur.

*37. **Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state what decision, if any, has been arrived at with regard to the proposal for improving the condition of the rivers Chandana and Upper Coomar in the district of Faridpur?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): The case is under consideration, but it will take some time for a decision to be arrived at as an alternative scheme to that proposed by the local officers may prove more effective, but will necessitate further inquiry.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member be pleased to state if there is any alternative scheme now under the consideration of Government?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Yes, I have said so.

Maulvi TAMIZUDDIN KHAN: Who has framed that alternative scheme?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: The Chief Engineer, Irrigation Department.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state if Government are prepared to take the public into its confidence by publishing reports occasionally and periodically?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Sir, I should like to know what information the member wants?

Mr. PRESIDENT: The question was whether Government are prepared to take the public into their confidence by publishing reports periodically.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Which reports?

Srijut NAGENDRA NATH SEN: I mean any information regarding this matter.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: If the member wants any information, he will have to put questions to which I shall reply.

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state the result of the examination of the practicability of Sir William Wilcocks' scheme?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: This question has nothing to do with the question under reply.

Inspectors and Auditors of Co-operative Societies.

*38. **Maulvi SHAMSUR-RAHMAN:** Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing—

(*i*) the number of Inspectors and Auditors of Co-operative Societies at present employed in Bengal;

(*ii*) how many of them are Mussalmans (to be shown separately under each class);

(*iii*) how many Inspectors and Auditors were appointed during the last 10 years; and

(*iv*) how many of them are Mussalmans (to be shown separately under each class, year by year)?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (*i*), (*ii*) (*iii*) and (*iv*) A statement is laid on the table.

Statement referred to in the reply to starred question No. 38.

(*i*) Number of Inspectors	..	79
Number of Auditors		110
(*ii*) Number of Mussalman—		
Inspectors	...	29
Auditors	...	41
(*iii*) Appointment made during the last ten years—		
Inspectors	...	65
Auditors	...	96

(*iv*) Mussalman Inspectors appointed during the last ten years—

1919-20	...	3
1920-21	...	...
1921-22	...	6
1922-23	...	1
1923-24	...	...
1924-25	...	3
1925-26	...	5
1926-27	...	2
1927-28	...	...
1928-29	...	4
Total	...	24

Mussalman Auditors appointed during the last ten years—

1919-20	...	4
1920-21	...	5
1921-22	...	4
1922-23	...	1
1923-24	...	9
1924-25	...	4
1925-26	...	3
1926-27	...	5
1927-28	...	2
1928-29	...	5
Total	...	42

Unemployment problem.

*39. **Babu MANMATHA NATH ROY:** Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state what action was taken by the Government during the year 1928 to tackle and solve the problem of unemployment in the Presidency?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: The member is referred to the last annual reports of the Agricultural, Co-operative and Industries Departments, which are engaged in developing the resources of the province, as the best method of solving the problem of unemployment.

Civil Surgeon at Serampore.

*40. **Srijut TARAKNATH MUKERJEA:** (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government (Medical) be pleased to state since when there was a Civil Surgeon at Serampore in the Hooghly district?

(*b*) What are the reasons for the abolition of the post of a Civil Surgeon in Serampore?

(*c*) Is it a fact that at present the Serampore Hospital has been placed in charge of a Sub-Assistant Surgeon?

(*d*) What are the reasons for not placing even an Assistant Surgeon in charge of the Serampore Hospital?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (MEDICAL) (the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (*a*) There is no information regarding the date on which the appointment was created.

(*b*) At the time when it was decided to abolish the post, Serampore was the only subdivision which had a Civil Surgeon of its own.

It was decided that there were no public ground for giving Serampore preferential treatment in this respect, and the post was abolished as a measure of retrenchment.

(*c*) and (*d*) The Serampore Hospital had always been in the direct charge of a Sub-Assistant Surgeon under the Civil Surgeon, Serampore, and this arrangement was continued on the abolition of the civil surgeoncy with this difference only that the Sub-Assistant Surgeon came under the Civil Surgeon of Hooghly instead of the Civil Surgeon, Serampore. The question of having an Assistant Surgeon there has been left open for consideration having regard to the future needs of the place.

Srijut TARAKNATH MUKERJEA: With reference to answers (*c*) and (*d*), will the Hon'ble Minister be pleased to state when the question of having an Assistant Surgeon at Serampore, which is now left open for consideration, is likely to be decided?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: As it is now under the consideration of Government, I cannot give a definite reply.

Srijut TARAKNATH MUKERJEA: Will the Hon'ble Minister be pleased to state when the matter is expected to be disposed of?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I cannot say definitely.

Dr. KUMUD SANKAR RAY: Are the Government prepared to entertain private practitioners as Honorary Doctors for this purpose?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I want notice of this question.

Babu AMULYA CHANDRA DATTA: With reference to answer (*a*), is the Hon'ble Minister in a position to deny that Serampore had a Civil Surgeon for more than 20 years?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: It may be true. (Laughter).

System of irrigation and Sir William Wilcocks' views.

*41. **Babu MANMATHA NATH ROY:** Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state—

(i) what action, if any, the Government have taken during the year 1928 on the suggestions made by Sir William Wilcocks in respect of the system of irrigation in this Presidency; and

(ii) what action do the Government propose to take in the matter in the near future?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (i) No action was taken beyond examination of the practicability of Sir William Wilcocks' main suggestions.

(ii) In any schemes which may be prepared for the improvement of the system of irrigation in Bengal Sir William Wilcocks' views will receive due consideration.

Mr. D. N. ROY: Will the Hon'ble Member be pleased to state the result of the examination referred to in reply (i)?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: The proposals were found in some cases to be impracticable, and in some cases the cost was found to be prohibitive.

Maulvi ABUL KASEM: With reference to the reply just given, may I ask if the Hon'ble Member is prepared to lay before this House, at any subsequent date, the proposals that were found to be impracticable, as well as those that were found to be prohibitive?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: That information is confidential at present.

Maulvi ABUL KASEM: With reference to answer (ii), is it not a fact that about 18 irrigation schemes are now under the consideration of the Government of Bengal from the Burdwan and Hooghly districts alone? Have Sir William Wilcocks' suggestions been applied to these schemes, and if so, with what result?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I should like to have fresh notice.

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state if Government have at all thought it necessary or advisable to consult Sir Malcolm Watson about these proposals?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I do not know.

Technical education.

*42. **Babu MANMATHA NATH ROY:** Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state what action was taken by the Government during the year 1928 in furtherance of the problems of technical education in the Presidency?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: For a detailed description of the present position in regard to technical education in the province and the various measures taken to further develop the same, the member is referred to paragraph 49, page 34 of the Report of the Department of Industries for 1927-28, a copy of which is laid on the library table. For further expansion of technical education the grant-in-aid allotment of the Industries Department for the current year has been increased by Rs. 60,000. A scheme for the establishment of a technical school at Pahartali, Chittagong, in connection with the Assam-Bengal Railway workshops has been prepared. Schemes have also been worked out for establishing technical schools at Hooghly and Narayanganj. A scheme for the improvement of the Barisal Technical School is awaiting allotment of funds, while similar schemes in respect of the Bogra and Rangpur Technical Schools are under the consideration of Government.

Unstarred Questions

(answers to which were laid on the table).

Recruitment of officers in Wards Estates.

31. **Babu AKHIL CHANDRA DATTA:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state the method of recruitment of Manager, Assistant Manager and Sub-Manager or Superintendent in Wards Estates?

(*b*) Are the vacancies advertised and open to competition?

(*c*) Is there any minimum educational qualification fixed?

(*d*) Is any departmental examination taken to test the competency of the candidates?

(*e*) Will the Hon'ble Member be pleased to state whether employees in the Wards Estates are given preference in filling up vacancies in the post of Manager, Assistant Manager and Sub-Manager or Superintendent of Wards Estates according to seniority?

(*f*) Are the vacancies open to them for competition?

(*g*) Is it a fact that these posts are filled up by mere recommendations, and not by open competition, nor by promotion of officers from the next senior grade, nor by advertisement?

(*h*) Will the Hon'ble Member be pleased to state how the following posts were filled up whether by advertisement, or by seniority, or by recommendations:—

(*1*) Manager, Dhankora Wards Estate, at Dacca,

(*2*) Manager, Janbazar Estate, No. II, in Dinajpur, in 1333 B.S.,

(*3*) Manager, Boinchee B. L. Mukherjee's Trust Estate in the Hooghly district, which fell vacant twice in 1334 B.S.,

(*4*) Assistant Manager, deLauney's Estate, Tippera, in 1333 and 1334 B.S.,

(*5*) General Manager, Tippera Wards Estate, in 1332 B.S., and

(*6*) Manager, Sub-Managers and Head Clerk, Mahishadal Wards Estate, in Midnapore?

MEMBER in charge of DEPARTMENT of REVENUE (LAND REVENUE) (the Hon'ble Sir Provash Chunder Mitter): (*a*) For the necessary information, reference is invited to rules 24 and 25, page 137 of the Bengal Wards Manual, 1928, a copy of which is laid on the Library table.

(*b*) Not necessarily.

(*c*) No.

(*d*) No.

(*e*) and (*f*) Not necessarily.

(*g*) These posts are filled up by selection of qualified men.

(*h*) By selection, but not by advertisement, seniority or recommendation.

Maulvi TAMIZUDDIN KHAN: With reference to answer (*b*), will the Hon'ble Member be pleased to state whether the vacancies are at all advertised?

The Hon'ble Sir PROVASH CHUNDER MITTER: Sometimes they are, and sometimes they are not.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member be pleased to state why all vacancies are not advertised?

The Hon'ble Sir PROVASH CHUNDER MITTER: When an estate is taken under the Court of Wards, some of the existing officials of the estate are retained: that is one reason. Another reason is that some of the appointments are petty appointments and so they are not advertised. As I have already stated, the member will find the rules on the subject on page 137 of the Bengal Wards Manual, 1928, a copy of which is laid on the Library table.

Managers, Janbazar and Dhankora Wards Estates.

32. Babu AKHIL CHANDRA DATTA: Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state—

(*i*) the post previously held and salary then drawn by (*1*) the present Manager, Janbazar Wards Estate, No. II, in Dinajpur, and (*2*) the present Manager, Dhankora Wards Estate, at Dacca; and

(*ii*) the salaries they are respectively drawing in their present posts?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*i*) (*1*) Manager, Janbazar Estate, No. I, in the 24-Parganas—Pay Rs. 100.

(*2*) Assistant Manager, Wards Estates, Tippera—Pay Rs. 110. (He resigned this post sometime before he was appointed Manager of the Dhankora Estate.)

(*ii*) (*1*) Rs. 230; (*2*) Rs. 230 in the scale of Rs. 200—10—250.

Establishment charges of Wards Estate.

33. Babu AKHIL CHANDRA DATTA: (*a*) Is the Hon'ble Member in charge of the Department of Revenue (Land Revenue) aware that 10 per cent. of the annual assets of a wards estate is fixed for establishment charges of the estate?

(*b*) When was this percentage fixed?

(*c*) Are the Government considering the desirability of raising the percentage to meet the increase in the cost of living?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Ten per cent. of the current rent and cess demand is the ordinary limit, but this is exceeded if necessary.

(*b*) In the year 1882.

(*c*) No.

Scale of pay of employees under the Court of Wards.

34. Babu AKHIL CHANDRA DATTA: (*a*) Is the Hon'ble Member in charge of the Department of Revenue (Land Revenue) aware that there is no system of time-scale of pay or promotion in vogue for the employees in the wards estates?

(*b*) If so, are the Government considering the desirability of introducing them, and of maintaining gradation lists for purposes of promotion?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Though there is generally no system of time-scale of pay for the employees under the Court of Wards, such a scale is allowed to the employees of some estates according to circumstances.

Promotion is allowed to the staff in the same estate or a group of estates under the same manager.

(*b*) Does not arise.

Recruitment of assistants from typists' rank.

35. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state whether it is a fact that in the offices of the (*1*) Military Secretary, and (*2*) Private Secretary to the Governor there is no bar for the recruitment of assistants from typists' rank?

(*b*) Is it a fact that there is such a bar in the Bengal Secretariat?

(*c*) If so, what are the reasons for the differential treatment?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. A. Marr): (*a*) There are no sanctioned posts of typist in the Private Secretary's and Military Secretary's offices.

(*b*) and (*c*) Recruitment to the Lower Division of the clerical service of the Secretariat is made by means of a competitive examination. There is no bar to typists who satisfy the conditions of appointment as to age, etc., sitting for the examination.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state whether it is not a fact that the condition as to age is not a bar to typists in Government service for recruitment to clerical posts?

The Hon'ble Mr. A. MARR: Not so far as I know.

System of recruitment of employees of Wards Estates.

36. Babu AKHIL CHANDRA DATTA: (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to lay on the table a statement showing—

(*i*) the names of the Government servants holding at present appointment as Manager, Assistant Manager and Sub-Manager (or Superintendent) and Head Clerk of Wards Estates;

(*ii*) the posts held by them under the Government;

(*iii*) the salary and allowance drawn by them while in Government service; and

(*iv*) additional salary and allowance paid to them by the Wards' Estates?

(*b*) What remuneration is allowed to a Government servant transferred to the Settlement Department?

(*c*) Is the Hon'ble Member aware that the Wards Estates have to pay in the shape of leave and pension contribution (on their increased salary) for the persons transferred from Government service?

(*d*) Will the Hon'ble Member be pleased to state whether each and everyone of the cases referred to in (*a*) the posts were filled up by a Government servant for public reasons within the meaning of Rule 111 (*a*) of the Fundamental Rules?

(*e*) Is the Government aware that there is a feeling of disappointment and discontent caused amongst the Court of Wards employees by appointment of outsiders and retired Government servants?

(*f*) Are the Government considering the desirability of holding an inquiry into the present system of recruitment of Manager, Assistant Manager and Sub-Manager (or Superintendent) in the Wards Estates?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) A statement is laid on the table. Complete information is not yet available in respect of Superintendents and Head Clerks. It will be obtained and furnished later if so required.

(*b*) The information will be found in rules 130, 131 and 132 of the Bengal Survey and Settlement Manual, 1917, a copy of which is laid on the Library table.

(*c*) Yes.

(*d*) Yes.

(*e*) No.

(*f*) No.

Statement referred to in the reply to clause (a) of unstarred question No. 36.

(*a*) (*i*) (1) Babu Nirapada Chatterjee,
Manager, Mallick and other estates in Midnapore.

(2) Babu Phanindrabhusan Mitra,
Manager, Mahishadal Estate, Midnapore.

(3) L. G. Pinnell, Esq., I.C.S.,
Chief Manager of the Dacca Nawab Estate.

(4) Maulvi Muhammad Yahya,
Assistant Manager of the Dacca Nawab Estate.

(5) Maulvi Yusuff Ahmed,
Officiating Assistant Superintendent, Dollye Sub-Circle (Tippera), of the Dacca Nawab Estate.

(6) Babu Syamananda Banerjee,
General Manager, Wards estates, Chittagong.

(7) Babu Prafulla Kumar Ghosh,
General Manager, Wards estates, Tippera.

(*ii*) (1) District Kanungo.

(2) Sub-Deputy Collector.

(3) Joint Magistrate and Deputy Collector.

(4) Deputy Magistrate and Deputy Collector.

(5) Head Clerk, Subdivisional office, Chandpur (Tippera).

(6) Sub-Deputy Collector.

(7) Assistant (Stenographer), Bihar and Orissa Secretariat.

(*iii*) (1) Rs. 120 in the scale of Rs. 75—75—80—4—160.

(2) Rs. 300.

(3) Rs. 1,200 and O. P. Rs. 250.

(4) Rs. 300.

(5) Rs. 120 in the scale of Rs. 80—4—140.

(6) Rs. 275.

(7) Rs. 260 (Rs. 150, Rs. 75 and Rs. 35).

(*iv*) (1) Rs. 20.

(2) Rs. 50.

(3) Nil.

(4) Rs. 50 (as house allowance).

(5) Nil.

(6) Rs. 50.

(7) Rs. 90 (Rs. 40 when he was first taken in under the Court).

Serampore Weaving Institution.

37. **Babu AMULYA CHANDRA DATTA:** (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing for the last five years –

(*i*) the number of teachers; and

(*ii*) the number of students of the Serampore Weaving Institution?

(*b*) Will the Hon'ble Minister be pleased to state whether it is in the contemplation of the Government to reduce the staff of the Serampore Weaving Institution and to lower its efficiency in any way?

(*c*) Are the Government considering the desirability of retaining the services of Mr. Hoogewerf, the Principal of the Institution, for at least another year or till the Institution is properly established and accommodated in its new building?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (*a*) (*i*) and (*ii*) A statement is laid on the table.

(*b*) The staff of the Institute has already been reduced by the abolition of the post of its Vice-Principal consequent on the transfer of control of the outlying weaving schools from the Principal of the Institute to the Director of Industries, Bengal. The object of this is not to lower the efficiency of the Institute, but to give relief to the Principal, and thereby to enable him to devote his whole time to the work of the Institute.

(*c*) No.

Statement referred to in the reply to clause (a) (i) and (ii) of unstarred question No. 37.

(i) Number of teachers—

1923-24	..	..	..	8
1924-25	..	..	..	8
1925-26	..	..	..	8
1926-27	..	..	..	10*
1927-28	..	..	..	10*

* Including 2 for female classes which were started in 1926-27.

(ii) Number of students—

	Higher class.	Artisan class.		Total.
		Male.	Female.	
1923-24	.. 82	27	..	109
1924-25	.. 54	33	..	87
1925-26	.. 40	32	..	72
1926-27	.. 32	30	18	80
1927-28	.. 31	35	21	87

Babu AMULYA CHANDRA DATTA: Will the Hon'ble Minister be pleased to state for how many years Mr. Hoogewerf has been the Principal of the Serampore Weaving Institute?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: About 20 years.

Babu AMULYA CHANDRA DATTA: Will the Hon'ble Minister be pleased to state what harm, if any, there is in accepting the suggestion contained in sub-question (c)?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: There is no harm, but we cannot accept it.

Babu AMULYA CHANDRA DATTA: Will the Hon'ble Minister be pleased to state why it cannot be done?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Because it is against the rules.

Duties of a Shipping Master.

38. Mr. SATYENDRA CHANDRA GHOSH MAULIK: (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state—

(*i*) what are the duties allotted to a Shipping Master;

(*ii*) the hours he is to attend the office; and

(*iii*) whether the present Shipping Master follows the rules?

(*b*) Will the Hon'ble Member be pleased to state—

(*i*) how many overtime duties a Shipping Master can claim in a day; and

(*ii*) whether the present Shipping Master actually attends them in the way he is required to do?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) (*i*) The duties of a Shipping Master are to superintend and facilitate the engagement and discharge of seamen according to the provisions of the Indian Merchant Shipping Act, 1923.

(*ii*) 9 a.m. to 6 p.m.

(*iii*) Yes.

(*b*) (*i*) The overtime duties of the Shipping Master are determined by the number of crews to be signed on or discharged outside office hours and the amount of time available for the work to be done. The number of crews depends on the number of requests made by agents or masters for such work to be undertaken outside office hours.

(*ii*) Yes.

Licence to supply seamen.

39. Mr. SATYENDRA CHANDRA GHOSH MAULIK: (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether it is a fact that licence is necessary to engage or supply seamen to the owners of merchant ships?

(*b*) If so, is it a fact that persons without holding any licence from the Government, engage or supply seamen to the owners of merchant ships?

The Hon'ble Mr. A. MARR: (*a*) and (*b*) A licence is necessary to supply seamen except in the case of an owner, or master, or mate of a ship or a person who is *bonâ fide* the servant and in the constant employ of the owner or is a Shipping Master.

Upper Division assistants in certain offices.

40. Kazi EMDADUL HOQUE: Will the Hon'ble Member in charge of the Department of Finance be pleased to lay on the table a statement showing the following details in respect of the Upper Division assistants existing at present in the offices of the (*1*) Private Secretary to the Governor, (*2*) Military Secretary to the Governor, and (*3*) Secretary to the Legislative Department—

(*i*) names of the incumbents;

(*ii*) academical qualifications of each incumbent;

(*iii*) pay at present drawn by each incumbent;

(*iv*) time-scale grade of each incumbent?

The Hon'ble Mr. A. MARR: The information is contained in the office lists, copies of which have been placed on the Library table.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state why the pay of assistants in the offices of the Private Secretary and the Military Secretary to His Excellency the Governor is higher than that of assistants in the office of the Secretary to the Legislative Department?

The Hon'ble Mr. A. MARR: Because the circumstances are different.

Selection grade posts in the Bengal Secretariat.

41. Mr. A. F. RAHMAN: (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state—

(*i*) how many lower division selection grade posts there are in each department of the Bengal Secretariat;

(*ii*) how many of them were filled up in each department in March, 1928;

(*iii*) how many were then vacant;

(*iv*) how many of them have since been filled up; and

(*v*) how many are vacant now?

(*b*) Will the Hon'ble Member be pleased to state how many lower division assistants could not get the selection grade in each department of the Bengal Secretariat owing to the—

(*i*) operation of 10 per cent. rule;

(*ii*) limitation of three-year rule; and

(*iii*) combined effect of the 10 per cent. rule and the three-year rule?

(*c*) Will the Hon'ble Member be pleased to state whether there are any restrictions as to selection grade posts in any services other than that in the ministerial establishment of the Bengal Secretariat?

(*d*) Is it a fact that in the Bengal Secretariat assistants qualified for selection grade posts but not actually enjoying them owing to the restrictions referred to in (*b*) are not allowed to draw acting allowances when selection grade assistants go on leave?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

The Hon'ble Mr. A. MARR: (*a*) (*i*) Twenty-three in all departments, including two recently added.

(*ii*) Seven in all.

(*iii*) Fourteen.

(*iv*) Nine.

(*v*) Seven.

(*b*) The vacancies have mainly been due to the operation of the three-year rule. Orders have issued removing with effect from the 1st January, 1929, the condition of three years on the maximum of the scale. One extra post each has been added to the Public Works and Agriculture and Industries Departments with effect from the same date. In consequence of this revision, six vacancies have been filled, and another will be filled in June. Against the remaining six vacancies, there is only one assistant in the departments concerned who is at present drawing the maximum of the scale. Henceforward, assistants will be eligible for promotion to the selection grade posts as soon as they have passed through the ordinary incremental period of one year on the maximum of the scale.

(*c*) In all services the number of selection grade posts is limited.

(*d*) Yes.

(*e*) Acting promotion to these posts is prohibited under the Fundamental Rules.

Srijut RADHA GOBINDA RAY: Will the Hon'ble Member be pleased to state why the information has not been given department by department?

The Hon'ble Mr. A. MARR: It did not appear from the question that the member wanted the information department by department. If he wants it so, I am quite prepared to supply it to him.

Ratios of upper division to lower division posts in the Bengal Secretariat.

42. Kazi EMDADUL HOQUE: Will the Hon'ble Member in charge of the Department of Finance be pleased to state the present ratios of upper division to lower division posts in the offices of the—

(*1*) Private Secretary to the Governor,

(*2*) Military Secretary to the Governor,

(*3*) Secretary to the Legislative Department,

(*4*) Secretary to the Finance Department,

(*5*) Chief Secretary,

(*6*) Secretary to the Revenue Department, and

(*7*) Secretary to the Education Department?

The Hon'ble Mr. A. MARR: (*1*) 1 to 1·3.

(*2*) 1 to 2·5.

(*3*) to (*7*) The member is referred to the reply to unstarred question No. 30, asked by Mr. A. F. Rahman in this session.

RESOLUTIONS

on matters of general public interest.

Working of the Steamer Companies.

Mr. JOGESH CHANDRA GUPTA: Sir, I have been requested by Maulvi Khorshed Alam Choudhury to move the resolution standing in his name. There is also a similar resolution standing in my name, and so I want your permission to move it.

Mr. PRESIDENT: Yes, you have my permission.

Mr. JOGESH CHANDRA GUPTA: Sir, the resolution which I have the honour to move runs thus:—

"This Council recommends to the Government that a committee consisting of the following members be immediately formed to examine the working of the steamer service in the districts of Dacca, Chittagong, Rajshahi and Presidency Divisions managed by the India General Navigation and Railway Company, Ltd., and Rivers Steam Navigation Company, Ltd., either separately or jointly, and submit a report

with recommendations within six months from the date of the appointment of the committee with special reference to—

(*a*) convenience in accommodation on board, for passengers in general and female passengers in particular, in the different classes;

(*b*) fares charged for the passengers of the different classes in consideration of the distance travelled;

(*c*) advisability or otherwise of transmitting goods by passenger steamers; and

(*d*) waiting accommodation, gangways and landings in different ghats:—

(*1*) The Hon'ble Mr. A. Marr, C.I.E., I.C.S.,

(*2*) Srijut Nagendra Nath Sen,

(*3*) Mr. A. K. Fazl-ul Huq,

(*4*) Dr. Kumud Sankar Ray,

(*5*) Maulvi Khorshed Alam Choudhury,

(*6*) Mr. P. N. Guha,

(*7*) Maulvi Shamsur-Rahman,

(*8*) Babu Saral Kumar Dutt,

(*9*) Maulvi Syed Muhammad Afzal,

(*10*) Babu Naliniranjan Sarker, and

(*11*) Myself."

Sir, I will not go into details regarding the various inconveniences as regards accommodation and other travelling facilities, which have been discussed many times on the floor of this House and which have also been ventilated by the public in the Press and on the platform. I shall only generally touch upon those conveniences and facilities, which are absolutely necessary. What I shall first attempt to do is to try and convince the Hon'ble Member in charge of the Marine Department that the position of Government *vis-à-vis* these Companies is not such an isolated one as the Treasury benches would ask us to believe. I know that in 1921 Sir John Kerr (then Mr. John Kerr) said, "We have no more power to compel the Steamer Companies to provide waiting-rooms or to reduce their fares than we have the power to compel Messrs. Whiteaway Laidlaw & Co. to provide waiting-rooms for their customers, or to sell their goods at certain rates." I submit that this is a position which the Government ought not to take up and should never have taken up. From what we know, the steamer services in the areas complained of at one time were run by the Railway Company. It was in 1880 that by an agreement

between the Railway Company and the Steamer Companies the flotilla then run by the Railway Company was made over to the Steamer Companies under certain terms. We also know that so recently as 1904 Government having found that the Steamer Companies did not keep to the terms of their agreement, and were making more profit than they were entitled to, revised that agreement and came to certain other terms, so that it would not be correct to say that Government have got no concern with these Companies. On the other hand, when we discern the facts we shall find that Government are very intimately connected with these Companies, Government have provided many facilities for them from public revenues, and have benefited them, at huge expense and now in return for those benefits they refuse to do anything that is fair and just to the travelling public. The next thing to which I would draw the attention of the Hon'ble Mr. Marr is section 54 of the Inland Steam-Vessels Act. Section 54 says that the local Government may also make rules for the protection of passengers. I draw the Hon'ble Member's pointed attention to these words, "protection of passengers." The local Government may by such rules also require the price of passengers' tickets to be printed or otherwise denoted on such tickets, and ensure the supply, free of charge, of a sufficient quantity of fresh water for the use of such passengers. There is also another provision in this section which runs as follows: "Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with fine which may extend to fifty rupees."

Sir, it will be clear that the Inland Steam-Vessels Act reserves ample power to the local Government to legislate, or at any rate to frame rules, for the protection of passengers. I do not know if it would be argued by the Hon'ble Member in charge of the Marine Department that the protection of passengers is limited by the two clauses which illustrate it. I hope that such a position will not be taken up, and that it will be admitted that Government have got powers to make rules for the protection of passengers in the fullest sense of the term. The only question that may arise is whether Government have any powers to interfere as regards freights.

The Hon'ble Mr. A. MARR: Yes.

Mr. JOGESH CHANDRA GUPTA: As regards that point, I find that section 67 of the Act says that the local Government may make rules to carry out the purposes of this Act not otherwise specially provided for. I submit that at any rate there are clear sections in the Act which enable Government to make rules for the protection of passengers and for providing conveniences for the travelling public, if they choose to do so.

Then the next thing which I shall attempt to do is to try and convince the Government members that these Steamer Companies can really act arbitrarily, and in such a way, if I may say so, as to amount to dishonest misappropriation under the Penal Code. Before I proceed further, I shall put forward one point, namely, that the Steamer Companies themselves have laid down certain rules which they have violated. I do not know whether I would be justified in saying that there are sufficient reasons for interference if I succeed in proving such violation, or still my arguments would be taken as irresponsible criticism. I hope the Hon'ble Member will agree that if I can prove to the satisfaction of the members of this House that the Steamer Companies have violated their own rules, then Government should not for a moment hesitate to interfere. Here in my hand is the latest publication of the Joint Steamer Companies on steamer services. It is a very carefully prepared publication and very artistically got up too and I have no doubt at all that this has been compiled after careful consideration, and there are no mistakes on the part of the printer's devil. Rule 15 of the Rules and Regulations for the Information of Passengers—mind you they are not for the private use of the Companies—says that children 3 years of age and under are carried free, and that children over 3 years of age and under 12 years are charged half rates.

3-30 p.m.

I am quoting the rule from the latest publication of the time and fare table of the Steamer Companies (from January to July 1929).

The next proposition which I will put is with regard to the calculation of what is actually that half. I suppose the half of one rupee will be accepted to be eight annas and there can be no difficulty to work it out. If there is, I hope the hon'ble member representing the Steamer Companies will immediately correct me. I suppose it will also be accepted that half of four annas is two annas. If that is so, I hope, I can say without fear of contradiction, that half of nine pice could not be two annas and half of four annas three pies could not be three annas. I would like to pause for a reply from the Hon'ble Member. If I am correct in my mathematics—I do not say that I am a clever mathematician—but it is simple arithmetic and I hope the members of this House including the Hon'ble Member in charge of the Marine Department will admit that two annas is not half of nine pice. Before I thought of taking the time of the Council by making these allegations I considered it would be better to get evidence by procuring some tickets from the Steamer Companies. Here I hold the tickets. This ticket is from Barisal to Ranirhat—(R. S. N. & Co.)—3rd class—fare—2 annas 3 pies—not transferable. Let us look at the child's

ticket; half of 2 annas 3 pies would be at most 5 pice—I give the Companies an extra 1½ pies to make up the half, as it may be difficult to calculate these fractional figures. But, Sir, what do you think is the Steamer Companies' calculation of that half? I will ask the hon'ble members to guess. Is it 5 pice (pause) or is it 6 pice (pause) or 7 pice? If it is not seven pice, then what is it? (A VOICE: 8 pice.) I am afraid my friend has seen the ticket. Will my friend be able to tell me on what theory of ratio and proportion propounded by Sir Isaac Newton or his ghost is two annas half of nine pice?

There is another ticket here: from Barisal to Hularhat. The fare of the child's ticket is written here as two annas for third class, whereas the adult's ticket is two annas nine pies. The point I am making is that the Steamer Companies have put in certain rules whereas they are selling tickets to people in violation of those rules, and are realising excess fares. If I have satisfied you that I am correct in my submissions I hope the Hon'ble Member will see his way to interfere.

I thought that it may be said in one instance there might be mistake in calculation and I ought to make sure of my ground. I purchased some other tickets too. This one is from Barisal to Nalchitty; the third class fare is four annas three pies—for an adult. Now the third class ticket for a child for the same place is—and I will ask my friend Babu Jogindra Chandra Chakravarti to tell me what in his calculation is half of four annas and three pies—is it nine pice? He does not reply; so I suppose he will not guess any figures. Let me tell you it is three annas! I will presently hand over these tickets to the Hon'ble Member to show how by a very clever piece of mathematical calculation by people who are in charge of calculating fares on behalf of Steamer Companies the child's fare is fixed at 3 annas in this case.

There is another thing: I wanted to make myself sure for the third time as to whether there was again a mistake in calculation; here I have another ticket from Barisal to Kumarkhali third class fare—two annas ten pies; not transferable. The child's ticket from the same distance is two annas!

Dr. BIDHAN CHANDRA ROY: May I ask how Mr. Gupta got these children's tickets?

Mr. JOGESH CHANDRA GUPTA: In reply to my deputy leader I must admit that I did not actually travel from Barisal to Kumarkhali but I got these tickets from somebody who actually paid for them. If the local Government have got rules for the protection of passengers I ask them: are they going to exercise those powers or are they going to withhold those powers because the companies are managed by people to whom they would not like to point out such kinds of—if I may say

so—dishonesty, unfairness, or at any rate gross negligence and carelessness? I think I have been able to convince the House that there is necessity of interference for putting a stop to this sort of thing. The above is with regard to fares.

I will now place before the House some correspondence. I am reading from a letter which a company wrote to the Steamer Companies to furnish them with a tariff list. The reply of Messrs. Macneill & Co., the Managing Agents, was this: "With reference to your letter of the 15th instant we regret we have no copy of tariff to spare. We would, however, be pleased to quote rates on your furnishing us the description of traffic as also the names of stations to and from which you intend to book." The company wrote to them giving the names of various stations from Calcutta to Dibrugarh, Bardutighat to Calcutta and Jhalakati, etc., about 18 such names and mentioning also the articles with reference to which they wanted information about the freight. They sent a reminder also on the 7th September, 1928, which reads as follows: "Referring to our letter of the 29th August we are sorry not to have received any reply to same. We shall be much obliged if you be good enough to favour us with an early reply." They did not get any reply. Then this company wrote to the Bengal Chamber of Commerce and they received this reply: "In reply to your letter, dated 18th September, forwarding copies of correspondence exchanged between yourself and Messrs. Macneill & Co. I am directed to say that the matter of the freight quotations referred to in the papers is not one in which the Chamber can be of any assistance to you." This company also went to the Government and they wrote a letter to which the following reply was sent: "With reference to your letter, dated 18th September, 1928, forwarding a copy of correspondence with Messrs. Macneill & Co. regarding the supply of freights and tariff books, I am to say that the Government cannot interfere in the matter." Since Sir John Shore's non-intervention policy we have hardly seen a better instance of non-intervention by Government as this. This inquisitiveness to find out freights and tariffs is not a mere joke or unnecessary act on the part of the querist as I shall show to you presently. Before I put this matter to the House I want to be sure, and I will request the Hon'ble Member in charge of the Marine Department to make sure, whether the same kind of goods, the weight being the same or even less, could at one time be charged at Rs. 30-11 and at another time, for any reason whatever, at Rs. 258-3, the price of the articles sent being about Rs. 300? I am sure the Hon'ble Member thinks that I am imagining some sort of hypothetical case, but that is not so. I am going to give reference to the correspondence between the Steamer Companies and the gentlemen who booked those goods. Not only that, I will set at rest any doubt on this point by allowing the Hon'ble Member to

have a look at the copy of the correspondence which has been sent by the Assam Government—not an agitating body, not a political body—who have given the entire correspondence in this matter to the consignor to take what steps the consignor may like. I shall only shortly indicate to you the letter to the Superintendent of the Jagannath Ghat: "We beg to point out that a consignment of c. i. pipes packed in 19 bundles (2 pieces in each) and one loose piece was despatched to Dibrugarh ghat station on our instruction and for the Divisional Forest Officer, Dibrugarh, wherein the freight was charged Rs. 258-3, which is not only too high but an absurd figure. For your reference we can point out that similar goods packed in the same way and sent to the same parties under B. L. No. 63 of 10th November, 1927, containing 28 bundles, weighing 29 maunds 29 seers, were charged only Rs. 30-11, whereas this consignment, containing less and weighing only 16 maunds 8 seers, were charged Rs. 258-3."

Now, if things like this occur and if any party wants to find out what really is the rate and what is the principle on which this tariff rate is laid down, and if the party fails to get any help from Government or any help from the Bengal Chamber of Commerce, could people be accused of making unnecessarily malign allegations if they were to say that these companies are managed by capitalists coming from a celestial place and therefore Government or the Bengal Chamber of Commerce would not help them when such palpable cases of injustice and unfair charges are brought to their notice?

3-45 p.m.

Sir, there are other things which I might perhaps bring to the notice of this Council, but I do not want to be pulled up by the ringing of the bell. Sir, I shall only bring to your notice a few things which are really amusing. Mr. John Kerr, as he then was, while in charge of the Marine Department here, said that the company was not bound to abide by any wishes that they might express. But Sir John Kerr, when he became the Governor of Assam, had a different story to tell and I do not know whether we shall have to promote the Hon'ble Mr. Marr to the Governorship of this province before we can expect to get a remedy in this matter. The Assam Government, when they gave their opinion on Mr. K. C. Neogy's Inland Steam-Vessels (Amendment) Bill, observed:—

"In cases where this discomfort has been brought to their notice by the Government of Assam, action wherever possible has been taken by them."

This is what the Assam Government said the Assam Government presided over by Sir John Kerr but unfortunately the Treasury benches of Bengal do not seem to be quite alive to their responsibilities in the matter and consequently the residents of Bengal are

suffering on account of the arbitrary and illegal methods followed by the Steamer Companies both with regard to the assessment of freights on goods and also with regard to passenger fares. I think I have taken enough of the Council's time and have given certain convincing facts. In conclusion I should like to hand over these tickets and ask Mr. Philip whether these are manufactured tickets or actual tickets issued by the River Steam Navigation Company. There are other members who have given notice of similar resolutions and they would also like to speak; so, I would not take up the time of the Council any longer.

Babu SARAL KUMAR DUTT: Sir, I rise to support the motion of my friend Mr. Jogesh Chandra Gupta and in supporting this motion, I beg to state that I represent a district where there is not an inch of railway and the transport trade is entirely in the hands of Steamship Companies, and therefore this resolution is of supreme interest to us and we shall watch with anxiety the result of voting on this motion.

Many a time proposals have been made to connect Bakarganj by railway but have been ultimately given up and why we do not know. His Excellency the Governor, in course of a speech delivered at Khulna, discouraged the idea of constructing railway in this district and we are almost sure there is no possibility of having a railway even in distant future. But in reply to a question put by Maulvi Tamizuddin Khan, last session of the Council, the Hon'ble Mr. Marr stated that such a scheme is under preparation; but we know the value of such promises and our hearts have grown sick. Sir, the resolution under discussion proposes appointment of a committee for making some recommendations after a thorough examination of the working of the steamer service in several districts of Bengal. But the object of the mover, to my mind, is to show before the public the utter neglect of duties on the part of the Steamship Companies as common carriers and to point out their depredations in the matter of levying fares and freights. Our attempt will be to prevent the exploitation of the public by these monopolistic concerns, like Steamship Companies, and to extend Government control over this big profit-grabbing Companies and to establish an Advisory Board in future on the lines of the Railway Board.

Sir, the entire lack of duty on the part of the Steamship Companies as common carriers is due to the immunity they enjoy for their position as a monopolist in transport trade on the high waterways of Bengal and Assam. For it is the common experience of many that for long journeys by river, they have no choice of carriers and, in fact, the Steamship Companies acquire a monopoly of trade. Whether this monopoly is conferred by legislation or tolerated by non-legislation makes no difference. It is a monopoly which is the

result of longer standing in the field and other mischievous activities in ousting the indigenous companies by unholy rate wars. In this connection I cannot resist the temptation of quoting a few lines from the speech of Mr. K. C. Neogy in the Legislative Assembly in February, 1928:—

"There have been quite a number of instances in the eastern provinces in which indigenous efforts at starting inland steamship concerns were defeated by these powerful combines with the help of a rate war. There are instances in which, when indigenous companies were formed for carrying passengers and goods, these combines so reduced their rates and fares as to make it impossible for their indigenous competitors to continue. There is at least one case on record in which these big combines did not scruple to carry passengers absolutely free of cost; and not only that, they also used to supply sweetmeats to their passengers in order to attract them."

Sir, there is another authoritative report to show that these Companies do actually enjoy, and under the sanction of the Government, a monopoly though not treated on any law. The book is a book named "A Monograph on Indian Railway Rates of 1918" by S. C. Ghosh, Special Officer with the Railway Board, and this was referred to by Mr. Gupta. Herein is written "the Eastern Bengal Railway had, for some time past, been running their steamers, in competition with the India General Steam Navigation Company between Goalundo and Narainganj and Goalundo and Cachar. The steamer companies made a representation to the Government against Railways competing not only for through traffic but for local traffic between stations as well. Finally an agreement was come to dividing the traffic between the railway and the steamer company; it was arranged that the railway was to retain all the traffic (goods and coaching) between Goalundo and Narainganj. As regards traffic to and from the intermediate river-side stations it was agreed that, in consideration of the steamer company not competing for traffic between Calcutta and Goalundo and Calcutta and Narainganj, and also between Goalundo and Narainganj, which was to be retained by the railway, the earnings by passenger and freight from Goalundo, Cachar ghat (known as Megna Junction) and intermediate stations and *vice versa* should be pooled and divided equally between the railway and the steamer company, and that the same arrangement was also to apply to traffic of intermediate stations between Goalundo and Narainganj. These agreements were revised from time to time."

Sir, having this supreme advantageous position in the transport trade, the Steamship Companies are going on merrily in their depredations by charging fares and freights at their sweet will. But I am afraid, I might be met with opposition at this stage and the owners of the Steamship Companies will argue that there is a

great competition for river-borne traffic and the bulk is carried by country boats. A ridiculous argument no doubt; and let us examine the statistics of three representative years. The figures are quoted from a letter from the Secretary, Bengal Chamber of Commerce, to the Secretary to the Government of Bengal, Marine Department, dated 8th May, 1928.

Here it is given that the total merchandise with regard to articles imported into Calcutta Trade Block, by country boats are in excess of the quantity carried by inland steamers. But, Sir, these are inflated and misleading figures. Many facts have been cleverly suppressed to suit their purpose. This total quantity of merchandise includes all articles brought from the interior of the villages to the nearest steamer stations and railway stations and there are many routes where due to shallowness of waterways steamers cannot ply at all and the country boats are the only means of conveyance.

But, Sir, look at the articles exported from the Calcutta Trade Block in 1914-15, the quantity of total merchandise exported by inland steamer service was much in excess of the quantity carried by country boats. The real reason is that wherever there are alternative carriers such as the Steamship Companies or Railway and the people can have the choice, the country boats are left in the lurch and their importance sinks into insignificance. As regards passenger traffic the less said the better. For, you can well understand the accommodating capacity of a steamer and that of a boat. Even the very small steamer *Manipuri*, 175 feet long, 22 feet broad and 8 feet deep could carry 677 persons while a Gaina boat can never carry more than 30 passengers at a time and consider also the speed of travelling of such a boat in comparison to that of a steamer, which runs at a moderate calculation no less than 7 miles per hour.

Sir, Mr. Gupta has shown some of the vagaries of the Steamer Companies and I can take hours together to recount them all. Here is a fare-table got from the same steamship company where the mileage rate and the fares are given between Barisal station and other stations. The fare between Barisal and Nalchiti is 4 annas 9 pies at the rate of 4·7 pies per mile: Jhalakati 6 annas 6 pies at the rate of 4·6 pies per mile: Kowkhali 13 annas 3 pies at the rate of 4·5 pies per mile: Hularhat 14 annas 6 pies at the rate of 4·5 pies per mile: Phatgate Re. 1-5-3 at the rate of 3·8 pies per mile: Khulna Re. 1-14-9 at the rate of 3·5 pies per mile: Tarpasa Re. 1-15-6 at the rate of 3·5 pies per mile. These mileages are put here as 12, 17, 35, etc., but the rate per mile is not fixed; no standard is given, sometime it is 4·7 pies sometime it is 4·1 pies. We do not know what is the basis of calculation. The distance from Barisal to Halta is 13 miles and the fare charged is 3 annas 9 pies. The same distance from Barisal to Champta is charged 6 annas. The

distance from Hularhat to Shohagdal is 13 miles and the fare charged is 4 annas 9 pies. We do not understand the method of calculation. The Manager of the Joint Companies will at once say that it is done on "what the traffic can bear" principle. But this apparently puts a moral justification to their improper exactions. But has this policy any value at all in cases of monopoly? Let us now turn to railway rates. From Calcutta to Khulna it is 109 miles and the Railway Company charges Re. 1-15-9 excluding terminal tax. But from Khulna to Barisal it is only 104 miles as they state and the Steamship Companies charge Rs. 2-4-3. There is another curious thing such as "ghat charge." We do not know what do they mean by this taxation. If they intend to recover the cost of shifting the site of a station from one place to another, due to change in the course of a river, I would advise them to levy a small tax for depreciation, another for enhanced prices of coal, a third for provident funds and such other things. Now, Sir, imagine the capital outlay and cost of laying a mile of track by the Railway Company. I understand it will be more than a lakh if there are bridges and nearly Rs. 80,000 if none. But what is the cost of the Steamship Companies in this direction? Nil. The cost of a locomotive, a light type passenger engine, is nearly Rs. 1,02,000, one first class coach will cost them about Rs. 50,000 and a third class bogey about Rs. 34,000. I mention these figures, Sir, from the Revised Budget Estimates of Eastern Bengal Railway of 1927-28 and what is the cost of a passenger steamer? Never more than Rs. 3 lakhs.

Besides, consider as well the salary of engine drivers and guards —they are never less than Rs. 210 a month whereas a 1st class serang gets Rs. 50 to Rs. 60 per month and a driver even less.

The cost of maintaining railway stations is also much more than that of a steamer station. The argument against this point will be that the railways spend much and earn much. But look at the dividends declared by the Steamship Companies. I understand that they declared 8 per cent. dividends and that from one of the companies incorporated in India. We are not fortunate enough to look into the balance sheets of those companies incorporated in England. But if you examine the balance sheet of the India General Navigation and Railway Company alone, you will find that much have been appropriated into reserve funds amounting to 130 per cent. block accounts. In this connection I would quote a few lines from the speech of Mr. K. C. Neogy in the Legislative Assembly:—

4 p.m.

"The explanation (of the low rate of dividend) is not very difficult to find. And that is that an unduly large amount seems

have been transferred to the reserve and block account and only a small percentage of the dividend is transferred to the current account so as to argue that the company is not making much and cannot afford a reduction in rates and fares as demanded or even finding the ordinary finances necessary for the public using their services."

Then, Sir, I should like to draw your special attention to the income-taxes paid by these companies. In 1925-26, the Rivers Steam Navigation Company paid Rs. 5,881-8 as income-tax, and Rs. 1,658-1 as super-tax, and the India General Navigation and Railway Company paid Rs. 1,26,203 as income-tax and Rs. 82,390-3 as super-tax. Now, you can well understand, Sir, how much income do these companies derive from the helpless travelling public of Bengal.

Sir, even from a business point of view a reduction of fares is profitable to the companies. There is an unimportant feeder service from Banaripara to Hularhat in my district. I know that the Barisal Agent has made an experiment by reducing fares, and I am reliably informed that this experiment has fetched the companies a net gain of several thousands of rupees. I think, some nine thousand rupees and odd. "Facility is good traffic" is one of the cants of these companies, and may we not request them to apply this maxim in the direction of reducing fares as well?

Sir, we sent in this resolution many a time before, but the freak of ballot did not offer us any opportunity for discussing the matter. We put question after question, and every time the Hon'ble Member in charge of the Marine Department told us that Government had no control over these companies, and that State interference in these matters was not good and that they were pursuing a "hands off" policy. But had it been in England, the moral scruple would have been less keen. We know that the British Railways Act of 1921 gives authority to the Rates Tribunal to fix what should be considered reasonable profit for company-owned railways even. But here in India the case is otherwise. We know that Government will never be prepared to extend their control over British companies. They will certainly help the exploitation of these companies, and in the name of administration these alien bureaucrats are always anxious to devise means for helping exploitation.

Sir, Mr. K. C. Neogy, a member of the Legislative Assembly, has introduced one amending Bill to the Inland Steam Vessels Act of 1917. The Bill proposes to fix the maximum and minimum rates of fares for these companies and recommends the appointment of an Advisory Board. The Bill has been circulated for eliciting

public opinion, but you will be surprised to learn that the opinion of the Bengal Government is that such a Bill is useless and unnecessary.

Maulvi KHORSHED ALAM CHAUDHURY: Sir, while I rise to support the resolution, I have no mind to inflict upon you a long speech. I feel sure that the admirable speech of my friend Mr. Gupta has been enough to impress upon the House the immediate necessity of some sort of legislation on the subject which has been agitating the public mind for a pretty long time. Besides, the proposition has its own merits to commend itself to the members of this House. The demand put forward therein is so just, so fair, and so reasonable that no one, with a sense of public duty and without any bias, can raise any objection to it. I need hardly point out that the question of the grievances of the travelling public against the Steamer Companies is not a new one. Discussions have been held and questions have been raised more than once before on the floor of this House, but the attitude of the Government towards this matter of such great public importance has ever been lamentably indifferent, the plea put forward by them being that the Government have no power to interfere in the affairs of private companies. I am sure, you will agree with me when I say that this is nothing but an evasive reply. Far from removing the grievances of the travelling public, these capitalists are piling up huge profits at their expense. Are we to understand that we are left with no other option than to throw ourselves completely at the mercy of these omnipotent companies and tamely submit to their whims and vagaries, thus allowing them to rob us and grow more and more in power and strength, absolutely regardless of our troubles and sufferings? Well, Sir, the language used might be a little strong, but ordinary human beings as we are, there is a limit to our patience and forbearance. I have studiously described the Companies as "all powerful." Forsooth, they are, when even the mighty British Government plead helplessness and powerlessness in regard to their affairs. Sir, are we to take this "no power" attitude of Government as a huge joke or are we to take it seriously? Is it conceivable that the Government of a country have got no power over a private company? Whoever cares to glance through the speech made by Mr. Kerr, then Member-in-charge, in the course of a discussion on the same question in 1921, will be struck with one thing—the zeal with which the Hon'ble Member was advocating the cause of the Companies, as if he was briefed by them. Sir, is it not a shame on the part of Government that, while recognising that the comfort and efficiency of the steamer service is a matter of public interest, they plead almost in the same breath their utter helplessness in the matter? If the Government of a country says that it has got no right or power to put a stop to the working of a company that endangers human life, I do not

know how it can expect to have the confidence of the country that it claims. However, the less said about this, the better.

But, I beg to submit to the House that although the Government may not have the power of direct interference they have every right to interfere so far as the framing of rules, certifying of vessels and looking after the convenience and safety of the passengers, etc., are concerned, the more so when the personal safety of the passengers is in jeopardy. And yet why the Government should take an indifferent attitude is something more than I can understand.

Broadly speaking, the resolution is an appeal to the Government to exact some of our legitimate dues from a few capitalists and also to save us from their exploitation. Paucity of time will not allow me to go into the details regarding the capricious and careless manner in which the companies are managing their affairs. To speak of only a few of the grievances, they have been increasing the rates of fare but paying little or no attention to the convenience of the public. As a specific example I may mention here in connection with their principle of rates according to the distance that they are still charging for 104 miles from Barisal to Khulna—not even 103 or 105 but exactly 104—although the route has been shortened by about 8 miles by the widening of the Gabkhan Bharani Khal. How they could adjust this mileage is a wonder! Another instance will clearly show that the Companies have got absolutely no uniform basis for the rates of fares. It is in fact without any rhyme or reason. A passenger from Daulatkhan to Barisal has got to pay much more if he breaks his journey at an intermediate station, viz., Kalupara, than he has got to pay if he travels with a through ticket. This is the personal experience I had last year. Could the Government still deny that they have got no hand in the matter? Would they be allowed to bluff the people continually like this? There are no waiting-rooms and no landing ghats in most of the stations. Can anybody deny the necessity of a waiting shed at every station where, in its absence, people's sufferings know no bounds, they having had to lay themselves bare to the mercies of the weather? It need scarcely be said that without proper landing ghats the passengers are not only put to tremendous inconvenience, but that there is a great risk to their lives also. I say all this from personal experience. There are other inconveniences such as scantiness of space for third class passengers. It is indeed an irony of fate that while the bulk of their income is derived from these unfortunate third class passengers they are treated no better than cattle. My suggestion therefore is to have a committee which will make proper inquiries into these matters and submit a report to the Government who will then take such steps as are deemed necessary for the redress of our grievances. If the Government have their sympathy with us

and are sincerely willing to help us, but find themselves really helpless owing to legal restrictions, we the representatives of the people are here to see that they are equipped with the necessary powers. In fact, we shall have the whole country at our back.

In conclusion, I should like to impress upon the Government once and for all that our grievances are not imaginary; nor are they got up merely to agitate the public mind. They are real and genuine and felt to our bitter cost, and it is time that they were set right. Otherwise, the consequences might be disastrous.

Srijut NAGENDRA NATH SEN: Sir, I rise to support this resolution, which has been so ably moved by my friend Mr. J. C. Gupta. The intensity of public feeling on this subject, the urgency of passing such a resolution, and the necessity of appointing a committee, will all be apparent from the fact that no less than 6 or 7 resolutions on this subject have been tabled for discussion, and that since the year 1927, *i.e.*, during the period I have been a member of this Council, resolutions similar to the present one have been sent in, though unfortunately they have not been able to secure the ballot and so could not be moved. It is very fortunate that this time the first place in the list has been assigned to it.

Sir, this resolution is a very modest one. It does not want the Government to grant any privileges or any new rights to any section of the people: it only asks Government to appoint a committee to inquire into certain grievances in order to see whether there could be obtained any remedy for them from the Steamer Companies concerned and not from the Government directly and primarily.

The first question proposed for reference to the committee is—

"Convenience in accommodation on board, for passengers in general and female passengers in particular, in the different classes."

It is well known that on board the steeamers—especially the smaller ones—there is no separate accommodation for third class female passengers, and I make this statement without any fear of contradiction. Any one who has seen the steamers of the Joint Companies must have noticed that more than half of the upper deck is reserved for first class passengers. The remainder of the upper deck is reserved for third class or Indian passengers. Theoretically, though not practically, a portion of the lower deck is also reserved for them. I say theoretically, because the major part of this deck is scattered over with luggages and parcels of various sorts which are not removed by the serangs, sookanies, etc., even when repeatedly asked by the passengers to do so, the result being that the accommodation provided cannot at all be utilised by the public. Babu Saral Kumar Dutt has cited the instance of a small steamer by the name of *Manipuri* which

is chartered to accommodate some 600 and odd third class passengers, and no one can reasonably comprehend how such a small steamer having only an upper and a lower deck can be expected to accommodate such a large number of passengers. We can easily imagine what amount of space a third class passenger is entitled to on this steamer.

We all know that the Steamer Companies employ inspectors, passenger superintendents and something like that.

[At 4-15 p.m. the Council was adjourned and it reassembled at 4-30 p.m.]

Srijut NAGENDRA NATH SEN: As regards inspectors, the Joint Steamer Companies engage some Europeans or Anglo-Indians and their only idea seems to be how to quarrel with passengers and how to inconvenience them instead of accommodating them. They have absolutely no idea of how to show respect to or seek the convenience of the passengers. Of the passenger superintendents engaged by the Companies, some at least seem to be good men; one of them I saw yesterday and he was Babu Radhica Charan Pal who seemed to me to be a very good man. As regards the accommodation of female passengers, there is absolutely no latrine arrangement for this class of passengers, and any one conversant with them should know very well that there should be separate latrine accommodation attached to the cabins reserved for female passengers; but the Company seem to be not at all cognisant of that, for there are separate and commodious accommodation for first class passengers as if Indian males or females can have no idea of comfort in their journey.

With regard to the fares charged from the passengers of the different classes, that was the subject of a question which was answered by the Hon'ble Mr. Marr, Member in charge of the Marine Department. The answer was given on the 8th February; I refer to starred question No. 33 put by me. With regard to answer (*a*) of that question the Hon'ble Member was pleased to state that "a general increase of 10 per cent. was applied to these services in July, 1922. Since then, various small adjustments in fares had been made from time to time and these adjustments have caused reductions in some fares and slight increases in others." I am very sorry to state for the information of this House that the statement contained in the answer is as incorrect as can possibly be, and I appeal to the hon'ble member who represents the Steamer Companies in this House to state whether it is not a fact that in 1929 the steamer fares from Khulna to Ghatbhog was increased from 7 pice to 3½ annas, and whether it is not a fact that a general increase from 3 pice to 9 pice was made with reference to passenger fares. The fare from Khulna to Senhati—a

distance of about 4 miles—was 1 anna 6 pies and it was enhanced to 2 annas 3 pies; I challenge the Hon'ble Member to refute these instances.

Coming to the nature of the increase, the Hon'ble Member was pleased to state that a general increase of 10 per cent. was applied to the services. I will cite a few instances. The third class fare from Khulna to Gopalganj was 8 annas and it was raised to Rs. 1-0-9. The first class fare was Rs. 2 and it was raised to Rs. 6-4-6. As regards other small distance passenger fares, I will cite another instance. The actual distance from Barisal to Kowkhali *via* Gabkhana Khal is 9¾ miles and the fare charged for third class is 6¾ annas which works out at 7·5 pice per mile. I will cite another instance. The first class fare between Barisal and Nandibazar is six times the third class fare, between Barisal and Tarpassa four times and between Barisal and Shaistabad 12 times the third class fare. I do not know why is this difference. I challenge the Hon'ble Member-in-charge whether he can cite another instance where the first class fare is 12 times the third class. It is time that the Steamer Companies should lay down some standard of passenger and other fares. With regard to the transmission of goods by passenger steamers, we know that the Companies have absolutely no regard for time or punctuality. In some stations the passenger steamers anchor and large quantities of cargo are either loaded or unloaded, although there are cargo steamers, as if the passengers have absolutely no value of their time, as if they have to abide by the sweet will of the serangs.

As regards the waiting accommodation I challenge the hon'ble member representing the Steamer Companies whether in Barisal, Khulna, Faridpur and Dacca districts he can cite any instance where the Companies have provided waiting accommodation, except at Tarpassa. In Khulna there is no waiting accommodation and we have exhausted our patience in applying to the Steamer Companies, both direct and through Government, requesting them to provide waiting accommodation but to no effect. I should say that our Government represented by the Hon'ble Mr. Marr in the Marine Department are absolutely callous so far as the grievances of the public in this direction are concerned. Times without number the attention of Government have been drawn to the grievances of the general public against the Steamer Companies. I would again refer to the answer given to my starred question No. 33. The question was "Will the Hon'ble Member be pleased to state whether there is any law by which the activities of the Steamer Companies can be regulated as in the manner in which the Indian Railways Act, 1890, applies to railways?" The answer given was "Inland steam-vessels are governed by the Inland Steam-Vessels Act, 1917." Then the next part of my question was: "Are the Government considering the desirability of appointing some

officers to inspect and report to Government whether the provisions of the Inland Steam-Vessels Act, 1917, are complied with in respect of passenger steamers in the matter of the steamer owners' obligations to passengers?" The answer was "Inland steam-vessels are already liable to inspection by Government surveyors." I ask the Hon'ble Member-in-charge what is the duty of the Government surveyors? Does their duty end in inspecting and examining the machinery or the frame work of the steamer or in seeing whether it is a sea-going vessel or in a fit state of navigation, or does their duty extend to other internal matters such as alluded to? The Hon'ble Member knew it thoroughly well that the Government surveyors were not engaged for the purpose my question had in view——

(Here the member having reached the time-limit had to resume his seat.)

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: I beg to move, by way of amendment to the motion of Mr. Jogesh Chandra Gupta, that the following name be inserted after the name "Babu Naliniranjan Sarker," namely:—

"Rai Satyendra Nath Roy Choudhuri Bahadur."

4-45 p.m.

Mr. P. N. GUHA: Sir, the question before the House is an old one. The previous speakers have given details of the inconveniences that are being felt by the travelling public and being one of those who often travel by these steamers I know a lot about them, but I do not think I need enumerate them after all that has been said by my friends on the other side of the House.

Sir, the resolution specifically mentions about the grievances of the passengers in four different directions, namely, insufficient and inconvenient accommodation, irregularity in fares charged for third class tickets, transmission of goods by passenger steamers and want of proper waiting accommodation in many of the stations. I maintain that the public has a just cause of grievance in all of these directions. Some three years back I noticed many defects and brought them to the notice of my friend Mr. Philip and I believe he has since removed many of them. It is true that there are defects and grievances but as a co-operator I must admit that the Steamer Companies have always shown their willingness to remedy them if brought to their notice in proper manner.

Mr. PRESIDENT: What do you mean, Mr. Guha?

Mr. P. N. GUHA: I mean that my experience is that the Steamer Companies always try their level best to redress grievances, if informed

in a friendly spirit. Now, Sir, the details that have been placed before the House by the previous speakers are so intricate and require so much careful consideration, that I do not think it possible for the Steamer Companies to remedy them all at once. I think they ought to take the help of a small committee.

Sir, the plea of the Government that they have no control over the management of the Steamship Companies does not stand good in view of the provisions contained in section 54-B of the Inland Steamship Companies Act of 1917. They can make rules for the guidance of the companies. Then, Sir, the reply to the plea of the Steamship Companies that the people go in wrong direction in approaching the Government instead of going to them, is that the general idea of the people of the country is that the Government can do anything and everything and that is why they approach them. The Hon'ble Member in charge of the Marine Department is labouring under a mistaken idea to think that the Government have no power over the Steamship Companies. They have a lot.

Sir, my friend Mr. K. C. Neogy is just now piloting a Bill in this connection in the Legislative Assembly. So far as I know his object is to compel the Steamship Companies to appoint advisory committees and introduce uniformity in the rates of fare and freight. I think the Companies would do well to take the hint and at once appoint advisory committees composed of men who can represent public opinion efficiently. I am sure this Council will have this matter before it off and on till that is done. I, therefore, request the authorities of the Joint Companies to take the public into their confidence. No useful purpose will be served by constantly quarrelling with the public over these matters. Sir, I hold a document in my hand in which a respectable pleader of Barisal obtained a decree against the Companies for charging a fare which he thought was not legitimate. The Companies did not contest the suit—I do not know why. If their case was right and legal, they ought to have contested the suit. They allowed it to go by default and very naturally the feeling of the people will go against them. I appeal to the Steamship Companies to take the public into their confidence and see that the quarrel between themselves and the travelling public is removed once for all. We had similar motions in every session of the Council during the last five or six years and on every occasion the reply of the Hon'ble Member in charge of the Marine Department was that the Government had no power. Sir, we cannot allow the time of this House to be wasted like this. The best solution, I again assure all concerned, is to appoint a committee which may try to remove the grievances which are genuine. We on this side of the House shall be fully prepared to help the Companies in this direction.

Mr. J. Y. PHILIP: Mr. President, Sir, as the representative of the Steamer Companies in this House, I think it is fitting that I should endeavour to reply to some of the remarks that have been made regarding this resolution. I have been closely connected with the Steamer Companies for over 23 years, and I think I may safely claim to have some knowledge of their working and also, what is more important, on this occasion, of their difficulties.

Sir, I have listened carefully to the speeches in support of this resolution, and I may say that it has given me great pleasure to find that the operations of the Steamer Companies attract such widespread interest. The Steamer Companies welcome that interest, Sir, and while they do not resent fair criticism, they look for the co-operation of the representatives of the public in their endeavour to maintain that high standard of efficiency required of all public-carrying companies. I may be permitted to point out, Sir, that it is some years since these resolutions first saw the light of day; but it is disappointing to find that the wording of them has not been altered to suit present day conditions. They have been carried forward from session to session quite ignoring the fact that in the interim vast improvements have been effected in the Steamer Companies' services. These improvements have been made after consultation with leading Indian gentlemen, some of them present, and some former, members of this House. New steamers have been built during the last few years and care has been taken by the Steamer Companies when arranging the details of passengers' comforts to consult several representatives of the public whose advice was considered of value. But, Sir, it is impossible to consult every one and it is equally impossible to please every one. The Steamer Companies do, however, make an honest endeavour to please the majority of their passengers because it is only by so doing that they can hope to continue to build up their business. In a word, Sir, the comfort of their passengers is as important to the Steamer Companies as it is to the passengers themselves.

Another important point to bear in mind is that the Steamer Companies control over 500 stations and it hardly ever happens that conditions at any two are exactly similar. There are numerous and varied difficulties to contend with—such as cutting banks, changes in the river courses, shoals and floods; and when all these factors are remembered it will perhaps be realised that it is impossible to have at all stations either permanent ghats or permanent landing stages. Where such are possible, and the traffic warrants them, they are provided.

Now, Sir, allow me for a moment to refer to the terms of the resolution. The first point deals with "inconvenience in accommodation on board." This, if I may say so, is a somewhat vague term

of reference. But as accommodation for female passengers is mentioned in particular, I shall, for the present, confine my remarks to the accommodation provided for them. A few years ago it was suggested to the Steamer Companies that it would be appreciated if a part of the third class upper deck could be set apart for females and be screened off from the general public. This was tried on a few steamers and was found to be a success with the result that the arrangement has been extended to all the larger passenger vessels. With regard to Mr. Sen's remark I would like to state that it is not possible to have these enclosures on the smaller vessels owing to lack of space.

The second item of the resolution deals with fares. There appears to be considerable misunderstanding with regard to the Steamer Companies' fares. The Steamer Companies do not undertake, and have never undertaken, to carry a passenger from one point to another at so much per mile. They undertake to carry from place to place at the fares mentioned in their fare tables and shown on the tickets issued to passengers. The reason for this is, I think, obvious. Owing to changing river conditions the positions of ghats have frequently to be altered. Newly formed shoals often involve several miles of extra steaming, and a voyage that covers say, 12 miles at one time of the year may easily be increased to 14 miles or more at another time. Under these circumstances I can hardly think that it is seriously proposed that fares should be altered from time to time to make them coincide with the actual mileage covered.

The Steamer Companies are often accused of raising all their fares, and I wish to correct the erroneous impression thus created. There has been no general increase in fares since the year 1922 and any small increases or reductions that have been made in the interim were necessary as corrections of previous anomalies. In a few cases increases have been made under special circumstances, and it can be shown that there was ample justification for those increases. The Steamer Companies maintain that their existing fares are reasonable for the services rendered, but if the mover of this resolution will bring to my notice any particular case of what he considers exorbitant fares I shall be happy to place the complaint before the Steamer Companies for investigation.

5 p.m.

The third clause of the resolution deals with the separation of goods and passenger traffic. In regard to this I may say, Sir, that the policy recommended in the resolution is exactly the one that the Steamer Companies are following. But it must be evident to any who considers the subject carefully that such a change must be extremely gradual. I can, therefore, only ask the mover to accept my assurance that the future policy of the Steamer Companies will be, so far as possible, to separate the carriage of goods from the carriage of passengers.

The last item of the resolution deals with "waiting accommodation, gangways and landings in different ghats." Here, again, Sir, progress is the order of the day. At Barisal, for example, a magnificent two-storied waiting hall has been erected and on a recent visit to this station I was pleased to find how greatly it is appreciated. In this connection I would like to say that to-day a pamphlet was handed to me in the House in which, at page 15, it is stated that there is no waiting room at Barisal. I wish to correct that statement.

At other small stations the number of waiting sheds and rest-houses is being increased every year and the intention of the Steamer Companies is to continue to increase those facilities to meet the growing traffic. In the matter of gangways also vast improvements have been effected in recent years and this fact must be evident to any one who has occasion to travel extensively by river. During the last year experiments have been conducted with a new type of portable gangway and it will interest the movers of these resolutions to hear that only a few days ago the Steamer Companies sanctioned the supply of these new gangways to all the passenger steamers that ply in the Barisal and Khulna districts. This supply is now being arranged.

I could go on enlarging on the improvements that have been effected in all directions during recent years. I have mentioned only a few but I do not wish to weary the House with further details.

I would now reply briefly to the remarks that have been made by members on the other side of the House. Mr. Gupta referred to the Agreement of 1880. I have not yet had an opportunity of making an inquiry about that Agreement but my recollection is that it expired many years ago and at the present time the Eastern Bengal Railway, the other party to that agreement, has no control over the fares of the Steamer Companies. Mr. Gupta referred to a case of children's fares, apparently wrongly charged. He is perfectly correct regarding the rule he quoted and I shall be very happy to make a thorough investigation into the case.

Mr. Nagendra Nath Sen mentioned the Inland Steam Vessels Act, and, Sir, all I can say in this connection is that the experience of the Steamer Companies with regard to that Act is that Government very rigidly enforces its conditions, especially in matters concerning the safety and comfort of passengers. Mr. Sen also mentioned several cases of disproportionate fares. It is impossible for me without making numerous references to reply to the points he raised, but if he will give me details I shall be very pleased to look into the matter.

I am glad, Sir, that this resolution, which had become almost a hardy annual, has at last come up for discussion and I trust my remarks may help to clear away any misunderstanding that may have

existed with regard to the working of the Steamer Companies. Before I sit down——

(At this stage the member reached the time-limit.)

May I have a few minutes more to finish, Sir.

Mr. PRESIDENT: Go on, Mr. Philip.

Mr. J. Y. PHILIP: Thank you, Sir. Before I sit down I wish to make a suggestion which I hope will prove acceptable to the movers of these resolutions. I honestly believe that the appointment of a committee such as is proposed would not in any way help matters. But, as an alternative, and in order that the wishes of the public may be brought prominently before the Steamer Companies, I invite Mr. Gupta, Mr. P. N. Guha and Mr. Surendra Nath Biswas of Madaripur to attend a meeting which I shall arange with the Steamer Companies on a date suitable to all concerned and at that meeting those gentlemen will be given every opportunity to ventilate and discuss any reasonable grievances affecting passengers that they may care to bring forward. At that meeting I shall also ask the Steamer Companies to consider the possibility of appointing from among the members of this House a few gentlemen to act as Local Advisers to the Steamer Companies at the more important centres. As I have said before, the Steamer Companies desire co-operation and are at all times anxious to retain the good will of the public they serve. With these words, Sir, I oppose the resolution and in view of the explanations I have offered, the promises I have made and the invitation I have extended, I would ask the hon'ble movers to see their way to withdraw them.

The Hon'ble Mr. A. MARR: My friends, mostly on the other side of the House, have given their views as regards the working of the inland steamers. Mr. Philip has explained very carefully the position of the Joiut Companies in this matter and I should now like very shortly to point out what the position of Government is as far as we read it. The running of these steamers, in fact everything connected with inland steamers, is controlled by the Inland Steam Vessels Act (Act I of 1917) and I may here point out that this is a Government of India Act which we have no power to amend. Chapter I of that Act is simply preliminary. Chapter II deals with the survey of steam vessels and of the important sections of that Chapter section 5 deals with the powers of surveyors, 7 with the declaration of the surveyor, 9 with powers of the local Government to grant or authorise the grant of certificates of survey and 11 with the terms of certificates of survey. Rules have been framed under that Chapter for the guidance of surveyors. These are contained in the Manual for the Survey of Vessels. If anyone refers to the rules, which are contained on page 113 and subsequent pages of that Manual, he will find that the important rules as far as we are concerned at present are embodied

in rule 8 dealing with water-closets and latrines, in rule 11 dealing with lighting and ventilation and 12 with deck shelter, 13 with marking and apportionment of deck space, 17 with caulking and proper laying out of decks, 20—a very important rule—with the number of passengers that a vessel can carry and how that number is to be determined, and 29 with steps that should be taken regarding the casing in of funnels, galley chimneys, steam pipes and that sort of thing for the protection of passengers.

Chapter III deals altogether with Masters and Engineers and does not concern us at present. Chapter IV deals with investigations into casualties; with this also we are not concerned at the moment. Chapter V deals with the suspension and cancellation of certificates. The important chapter as far as we are concerned is Chapter VI which deals with the protection and carriage of passengers on inland vessels and the important sections are 49, 50, 51, 52, 53 and 54. I will deal with these separately. One other section which Mr. Gupta mentions is section 67 under which a local Government may make rules to carry out the purposes of this Act not otherwise specially provided for. He gives that section a much wider interpretation than I am prepared to do.

These are briefly the sections of the Act which define the Government of Bengal's powers and we cannot go beyond those. Certain rules have been made under those sections and we are bound by them. This discussion has practically concentrated itself on passenger fares and freight. I will take the last point first. As regards freight, we have certain powers under sections 49, 50 and 51 concerning dangerous goods and the carriage of dangerous goods and how they are to be dealt with. We have also certain powers as regards deck space and the amount of deck space, especially lower deck space, which can be occupied by goods. Beyond that we have no power whatsoever as regards freight or as regards the charges for freight. That is altogether outside our powers and I need not tire you with any more about that.

5-15 p.m.

As regards the fares of passengers, most of the discussion this afternoon has been taken up with that point. Here again I maintain that Government have no power to regulate the amount of fare. Mr. Gupta has gone into a lot of mathematical calculations which I shall not enter into. I am afraid I have forgotten most of my mathematics but I am prepared to go so far as to agree with Mr. Gupta that half of 2 as. 3 p. is not 2 annas. The two sections that definitely mention fares are sections 52 (*2*) (*b*) and section 54, which Mr. Gupta claims is a wide section, and which lays down that the local Government may also make rules for the protection of passengers in inland

steam vessels, and may by such rules require the prices of passenger tickets to be printed or otherwise denoted on such tickets. Under these sections certain rules have been laid down, but they deal mainly with the powers of the serang or master of the vessel as between him and passengers—in what circumstances he is entitled to refuse passengers to come on board, or in what circumstances he is allowed to put passengers off, and so on, but nowhere in these rules is any power given to control the amounts of fares, and, therefore, in my opinion a large part of this discussion has been directed towards a matter which is outside the power of the local Government to control.

As regards the definite points mentioned in (*a*), (*b*), (*c*) aud (*d*) of the resolution, Mr. Philip has dealt with these in detail, and I think we all agree—personally I can say this for myself—that our facts are certainly not up to date. I never realised that the Steamer Companies in the last year or two have gone so far in the matter of the convenience of passengers; and because our facts to my mind are not up to date, I should like this House very much indeed to consider the offer which has been made by Mr. Philip. It appears to me that a round table conference, such as he has proposed, would do far more good in a few meetings than such a committee as is proposed in the resolution would do in many meetings. Mr. Gupta—I am not sure if I have got him down quite correctly said that Sir John Kerr had stated that when grievances were brought to the notice of the Steamer Companies concerned, they did their best to remedy them, and Mr. Gupta added that the Government of Bengal had not taken steps to bring the inconveniences of the passengers to the notice of the Steamer Companies. Mr. Sen in his speech said that this resolution was meant to get remedies from the Steamer Companies and not from Government. Mr. Guha also mentioned that his experience was that when grievances were brought to the notice of the Steamer Companies, they had always done their best to remedy them. Now we have got a definite offer from the Steamer Companies that, before any step is taken, three members of this House should meet the representatives of the Companies and have a heart-to-heart discussion with them, and I would most strongly recommend this offer to the House for acceptance, and ask the mover to withdraw the resolution. This would not prevent him from bringing up this resolution again at a later stage, if the result of this round table conference is not satisfactory.

Mr. JOGESH CHANDRA GUPTA: Sir, I must congratulate Mr. Philip for the spirit of the address he has given and the manner in which he has delivered it, but I am afraid I cannot say the same thing of the Hon'ble Mr. Marr. I do not think that Government has taken the right attitude in this matter. Well, there was no need for the display of that admiration by the Government with regard to the Company. I say, Sir, if Government had done its duty in the past,

many of the grievances would have been removed. I would here draw the attention of the House to the answer given to questions asked in this Council in August, 1921, as to whether the proceedings of the Council about a similar discussion were forwarded to the Steamer Companies. The Government replied that those proceedings could not be forwarded because printed copies of the proceedings were not available. Since then we do not know if the Government has done anything towards remedying these grievances, or whether it has had any further correspondence with the Steamer Companies with regard to them. With regard to some of the improvements which the Steamer Companies have made, and about which my hon'ble friend Mr. Marr was surprised to hear, I say it shows further that Government has been quite remiss in their duty and it was only when the Steamer Companies yielded to the popular clamour that these improvements were effected.

With regard to the offer of a round table conference, certainly any such offer will be welcome to this side of the House if it is going to lead to anything, but if this round table conference is going to be simply a conversation over tea or lunch, and not going to lead to anything, then I for one would not accept it. Let Mr. Philip put his proposals in black and white and let him say what proposals he is prepared to consider in a round table conference, and then we will consider his offer. But I think Mr. Philip could well have included, if not the Hon'ble Mr. Marr, at least Mr. Gilchrist, because after all the Government will have a great deal to do with many of these questions. Further, we ought to get an assurance that as the result of the round table conference, the Steamer authorities are really going to do something. Otherwise it is no good wasting the time of the Steamer authorities, who must be very busy people, and also wasting our time. If there is a definite offer to meet the grievances of the people, we will certainly agree to a round table conference: otherwise no good will come out of it.

With regard to the question of fares, I submit the Government has power of control. Formerly distances between stations used to be printed on the tickets, and I have got such a ticket with me. But after the suit instituted by Babu Gopal Ch. Biswas was decreed, the printing of distances has been discontinued. I would tell Mr. Philip that it is not because that it is difficult to print the distances as they change so often that the printing of distances has been discontinued, but because we suspect—and our suspicion is a very well grounded one—of the fact that if the distances are printed, the excess fare charged will be too palpable. In this matter again the Government of Bengal was very much behind time. They were under the impression that the distances were printed on the tickets. But when the omission was brought to their notice, and they were asked to recover the excess mileage fares that have been

paid by Government servants, they did nothing. So it does not lie in the mouth of Mr. Marr to say that they cannot do anything. When these facts were elicited Government could have recovered a good amount paid out as travelling expenses of their officers. If Mr. Marr thinks that there is a stringency in the provincial finance, he could have supplemented it by writing a letter to the Rivers Steam Navigation Company for refund. The representatives of the Rivers Steam Navigation Company has shown to-day more reasonableness than the Member on the Treasury Bench. I say, Sir, there has been no reply to the point that I raised, namely, that the Government has got ample powers in the matter of controlling fares. My Hon'ble friend, Mr. Marr, has not referred to the agreement between the Government and the Steamer Companies which was arrived at so recently as 1904—I say recently as compared to the original agreement in 1880. My friend, Mr. Philip, overlooks the fact that there was a modification of the agreement of 1880 in 1904, when Government found that the Steamer Companies were diverting more traffic by steamers than they were entitled to do in accordance with their agreement with the Railway Company. So, there is an agreement, and Government have ample power, provided they choose to exercise the same. I quite appreciate that the Hon'ble Member and others who travel first class do not really find out the difficulty of the intermediate and third class passengers. As a matter of fact, to travel first class is a pleasure as well as a luxury. The Government have a duty towards the poorer classes of the travelling public and I have shown they have got ample power. When the Steamer Companies are ready to listen to the discussion in the Legislative Council and when they have made a gesture to consider the grievances of the people, it stands to reason and common sense that any reasonable request from Government, which will amount to a command, will surely be accepted by the Companies: otherwise they know they will fare very badly, as they have got to take out certificates every year. I, therefore, on behalf of the members on this side of the House, say that if the Steamer Company really make the offer of a round table conference with a view to remedying the grievances, we will certainly respond, but it is no use having a committee for mere discussion and not capable of doing anything. And it is also necessary that the Government members should come in and join the committee.

As regards the creation of advisory committees in different centres, I think this is a very good suggestion, provided there is scope for doing some real work and we are able to get defects remedied. With these words I should think that this resolution should be carried. If the Steamer Companies give us a suggestion of a workable committee with effective powers, that committee might work. But if the Government continues its present attitude, we will carry this resolution and the matter will remain where it is.

5.30 p.m.

Srijut NAGENDRA NATH SEN: Sir, may I with your permission, ask the Hon'ble Mr. Marr for some information in connection with the answer to my question?

Mr. PRESIDENT: No, not at this stage.

The amendment of Rai Satyendra Nath Roy Choudhuri Bahadur was then put and a division taken with the following result:

AYES.

Afzal, Maulvi Syed Muhammad.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Banerjee, Babu Prometha Nath.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Chakraburtty, Babu Jatindra Nath.
Chakravarti, Babu Jogindra Chandra.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amprendra Nath.
Guha, Mr. P. N.
Gupta, Mr. Jogesh Chandra.
Hoque, Kazi Emdadul.
Karim, Maulvi Abdul.
Lala, Babu Sareda Kriga.
Maiti, Babu Mahendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Ormond, Mr. S. C.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Ray, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Ray Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Nalinaranjan.
Sarker, Rai Sahib Rohati Mohan.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Thompson, Mr. W. H.

NOES.

Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Cosh, Mr. A. J.
Drummond, Mr. J. G.
Ghose, Mr. M. C.
Gilchrist, Mr. R. N.
Hogg, Mr. G. P.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Jenkins, Dr. W. A.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder
Moberly, the Hon'ble Mr. A. H.
Mukerji, Mr. S. C.
Philpot, Mr. H. C. V.
Prentice, Mr. W. D. R.
Roy, Mr. Bijoy Prasad Singh.
Sinha, the Hon'ble Raja Bahadur Bhupendra Narayan.
Stapleton, Mr. H. E.
Yule, Major-General Sedfrey.

The Ayes being 44 and the Noes 22, the amendment was carried.

The motion of Mr. Jogesh Chandra Gupta, as amended, was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Banerjee, Babu Promotha Nath.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Chakrabortty, Babu Jatindra Nath.
Chakravarti, Babu Jogindra Chandra.
Chaudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Guha, Mr. P. N.
Gupta, Mr. Jogesh Chandra.
Hoque, Kazi Emdadul.
Hussain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lala, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
McCluskie, Mr. E. T.
Mitter, Rai Bahadur Manmatha Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F. M. Abdur-.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Ray, Dr. Sidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Nalinirenjan.
Sarker, Rai Sahib Rohati Mohan.
Sattar, Khan Sahib Abdus.
Sattar, Mr. Abdool Razak Hajee Abdool.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Suhrawardy, Mr. H. S.

NOES.

Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Nafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Dash, Mr. A. J.
Drummond, Mr. J. B.
Pyfe, Mr. J. N.
Ghose, Mr. M. C.
Gilchrist, Mr. R. N.
Hogg, Mr. G. P.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Jenkins, Dr. W. A.
Laird, Mr. R. S.
Lamb, Mr. T.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mukerji, Mr. S. C.
Ormond, Mr. E. C.
Philip, Mr. J. Y.
Philpot, Mr. H. C. V.
Prentice, Mr. W. D. R.
Rose, Mr. G. P.
Ray, Mr. Bijay Prasad Singh.
Sinha, the Hon'ble Raja Bahadur Bhupendra Narayan.
Stapleton, Mr. H. E.
Tate, Major General Godfrey.
Thompson, Mr. W. H.
Wordsworth, Mr. W. C.

The Ayes being 52 and the Noes 31, the following resolution was carried:—

"This Council recommends to the Government that a committee consisting of the following members be immediately formed to examine the working of the Steamer Service in the districts of Dacca, Chittagong, Rajshahi and Presidency Divisions managed by the India General Navigation and Railway Company, Ltd., and Rivers Steam

Navigation Company, Ltd., either separately or jointly, and submit a report with recommendations within six months from the date of the appointment of the committee with special reference to—

(a) convenience in accommodation on board, for passengers in general and female passengers in particular, in the different classes;

(b) fares charged for the passengers of the different classes in consideration of the distance travelled;

(c) advisability or otherwise of transmitting goods by passenger steamers; and

(d) waiting accommodation, gangways and landings in different ghats:—

(1) The Hon'ble Mr. A. Marr, C.I.E., I.C.S.,

(2) Srijut Nagendra Nath Sen,

(3) Mr. A. K. Fazl-ul Huq,

(4) Dr. Kumud Sankar Ray,

(5) Maulvi Khorshed Alam Choudhuri,

(6) Mr. P. N. Guha,

(7) Maulvi Shamsur-Rahman,

(8) Babu Saral Kumar Dutt,

(9) Maulvi Syed Muhammad Afzal,

(10) Babu Naliniranjan Sarker,

(11) Rai Satyendra Nath Roy Choudhuri Bahadur, and

(12) Mr. Jogesh Chandra Gupta."

5-45 p.m.

Mr. PRESIDENT: I think this disposes of the similar resolutions standing in the names of Babu Hem Chandra Nasker, Srijut Radha Gobinda Ray, Maulvi Shamsur-Rahman, Mr. Jogesh Chandra Gupta, Mr. A. K. Fazl-ul Huq and Dr. Kumud Sankar Ray (items Nos. 9, 22, 39, 52, 62 and 80 of the List).

Principle of promotion to lower division selection grade in the Bengal Secretariat.

Kazi EMDADUL HOQUE: I beg to move that this Council recommends to the Government that the principle of promotion to lower selection grade at the rate of 10 per cent. of the total strength

of the lower division assistants of a Department of the Bengal Secretariat be construed in the following manner:—

For a total strength of -

(*a*) 10 or less—One.

(*b*) Upwards of 10—One for every ten or part thereof.

In moving this resolution I beg to state that when I gave the notice of this resolution I was quite unaware of the recent decision of the Government in this connection with reference to Mr. A. F. Rahman's resolution passed at the last session of this Council. It now appears that Government has given consideration to this question so far as all the departments of the Bengal Secretariat are concerned with the solitary exception of the case of the Bengal Legislative Department as it rightly deserves very special consideration. Under the circumstances, the matter has become very much simplified. Without any prejudice to the very special concession which the Legislative Department rightly deserves in connection with lower selection posts owing to the restricted scope of prospects of the lower division assistants in the Department, I must confess that whatever might have been the circumstances, in its practical effects the recent decision of Government is entirely in accord with the spirit of my present resolution so far as all the Departments of the Bengal Secretariat are at present constituted save and except the Chief Secretary's office and the Legislative Department. To be more clear, I must say that under the revised orders of Government any office of the Bengal Secretariat is now allowed to have one lower selection post for every ten and one of any multiples of ten not lower than six or five in cases of the offices which have lower division assistants upwards of 10 or multiples thereof. A careful analysis of the reply which the Hon'ble Member in charge of the Finance Department gave on the 8th instant to the unstarred question No. 41 (*1*) and (*2*) evidently shows that all the departments of the Bengal Secretariat excepting the Chief Secretary's office and the Legislative Department, the latter of which are now under the special consideration of Government, will hardly be effected by the present resolution. In other words the practical effects of my present resolution are already embodied in the Government order. But still my contention is that Government should not be so much over-mathematical in this respect and every latitude should be given to the lower selection posts according to the principle laid down in my present resolution, specially in view of the operation of the 10 per cent. rule and all possible developments in the offices in question, so that the present interpretation may be of the maximum advantage to them in spite of the limitation. Take for example the case of the Finance Department

where there are at present 59 lower division assistants, with the addition of 2 more assistants, that department will, according to my present principle, be entitled to one more lower selection post. According to the interpretation in my resolution, the Chief Secretary's office will be immediately entitled to one more selection grade post in the lower division and so also the Legislative Department. There are, however, ample scope for promotion in the offices of the Chief Secretary as well as in the Finance Department. But there is no such consolation in the Legislative Department which, however, is now under the special consideration of Government and legitimately deserves very special differential treatment. In view of the above circumstances, I trust that Government should accept my resolution, and the principle should be taken into consideration and accepted nevertheless its practical effects should be immediately the same as soon as the very special concession meant for the Legislative Department is formally sanctioned by Government.

Maulvi SYED MUHAMMAD AFZAL: I rise to support the resolution moved by Kazi Emdadul Hoque, but at the very outset I would thank Government for their genuine desire for the further consideration of the case of the Legislative Department in this connection, peculiarly constituted as it is now, as referred to in the effects given to the resolution of Mr. A. F. Rahman on selection grade posts in the lower division. The subject of the selection grade posts in the Bengal Secretariat was threshed out by me in the last session of this Council in moving the resolution of Mr. A. F. Rahman. The Government has since done away with the three-year bar entirely, but the scope of their consideration is still vitiated by the number-bar, i.e., the operation of the ten per cent. limitation. The mover of the present resolution has already said that in its practical effects the application of the principle of the present resolution is almost in agreement with the recent decision of Government necessitating some slight adjustments in the Political and Legislative Departments, constituted as they are, at present. In the circumstances, I do not understand why the ten per cent. rule should exist at all, specially when vacancies remain to be filled up in certain departments in spite of the ten per cent. limitation, while in some other departments there are no selection grade posts for eligible candidates for a number of years, as for instance in the Legislative Department. But the ways of the Government are inscrutable! They make a fetish of their own principle persistently and sometimes unreasonably. In spite of all favourable circumstances, the ten per cent. rule stands out unnecessarily. The present resolution, therefore, is an honest attempt to make the most of the restricted scope for the lower selection grade without prejudice to the special claims of the Legislative Department in this respect. Curiously, the opposition is bound to come from the

Government, even though the present resolution is merely of academic interest so far as the present number of the lower division assistants in each department of the Secretariat is concerned. The reason is not far to seek; because this is a non-official resolution and even in small matters the Government have to do in their own fanciful way.

In the reply given by the Hon'ble Finance Member in the last session of the Council when Mr. A. F. Rahman's resolution on the lower selection grade posts was moved by me, it was said that it was only the Legislative Department which was practically affected by the resolution. The matter has since been considered and a rule has been framed; but the case of the Legislative Department is still outstanding for consideration! Let us therefore wait and watch and profit by the lesson.

With these words I beg leave to support the resolution.

SECRETARY to GOVERNMENT, DEPARTMENT of FINANCE (Mr. A. Cassells): Sir, the point involved in this resolution is a very small one. As the mover has said, circumstances have slightly changed since he gave notice of the resolution.

Part (*a*) of the resolution asks that one selection grade post should be allotted when the total strength of the office is 10 or less. No department in the Secretariat has a strength of 10 or less; so, part (*a*) of the resolution does not arise.

Part (*b*) of the resolution asks that where the total strength of an office exceeds 10, the number of selection grade posts should be one for every 10 or part thereof. At present our calculations are based on the principle that a fraction of over one-half counts as one and that a lower fraction counts as nothing. That is to say, an office of 10 will get one selection grade post and an office of 11, 12, 13, 14 or 15 will also have one. When the number rises to 16, then two selection posts are given. That is a principle of general application. We make use of it in calculating, for example, the percentage of leave reserve allotted to an office, and this method is generally adopted in most calculations where we have scales and proportions to work out. Usually a fraction of ½ or less is regarded as equivalent to nothing and when it rises above ½ it is held to count as one. On the ground that that general principle should not be departed from I wish to oppose this motion. It is a very small matter but it is a matter of general application, and if we depart from it in this case the effect will be to extend it to other cases thereby causing endless complications.

Apparently the object of the mover of the resolution and of the other speaker is to benefit the clerks of the Legislative Department. That office has got 13 lower division clerks and in accordance with

the scale at present in force, it is entitled to have one selection grade post. If this resolution is adopted, it will be entitled to two, and apparently the aim and object of the resolution is to give two lower selection grade posts to the office of the Legislative Department. Now on the merits of that I propose to say nothing—as to whether the Legislative Department should get two selection grade posts or not, but I do not think it should get it in this way, that is by doing away with a rule of general application.

There are special features in the Legislative Department—features which are not present in the other departments of the Secretariat. I think in reply to a question recently asked it was stated that the work of the Legislative Department is somewhat different from the work of the administrative departments of the Secretariat and also that a certain number of assistants in the Legislative Department are entitled to overtime pay if they work beyond certain hours—it may be in connection with the Council—but I believe some of them at least get overtime pay. So there are differences between that office and the Secretariat offices. If there is any particular grievance in the office of the Legislative Department it should come up separately for decision on its own merits and I suggest that an attempt should not be made to make any change for the special benefit of the Legislative Department, by means of an alteration in the general rule which will have to be applied in other directions also where its effect may be the cause of anomalies or to produce results which are not intended.

For these reasons, I think the existing method of calculating the percentage, which works all right, should not be departed from.

The Hon'ble Mr. A. MARR: Sir, I just want to add one word to what Mr. Cassells has said. After the lower division assistants brought this matter to our notice, I received a deputation of them and heard their grievances. One of these has already been removed with effect from January, 1929. We are considering the other grievances they have put before us.

Kazi EMDADUL HOQUE: My resolution was quite a modest one and the Hon'ble Member in opposing it has only revealed the mentality of Government. It only aimed at giving some relief to the clerks of the Legislative Department but the Government turned it down. As the object of the resolution was to do some microscopic benefit to Indian clerks it was not accepted, but were the object one of increasing the salaries of the European staff it would surely have been agreed to, even if it would involve an annual expenditure of Rs. 6 lakhs.

The motion of Kazi Emdadul Hoque was then put and agreed to.

[At 6 p.m. the Council was adjourned and it re-assembled at 6-15 p.m.]

Conditions of labour.

Babu MANMATHA NATH ROY: I beg to move that this Council recommends to the Government that a Committee be forthwith appointed to enquire into the conditions of labour prevailing in this Presidency with a view to secure a speedy removal of the grievances of the labourers and to improve the conditions of their service in the mills, factories, etc.

I ask for a Committee to go into the labour disputes in many places in the neighbourhood of the city. I may mention some of them, such as at Bauria, Chengail, Jessop's, Burn's, Martin's and at Lillooah.

In many of these places we have witnessed grim struggles between the poor workers and the jute kings or other capitalistic lords of Bengal. The scales are heavily weighted, but with amazing endurance the workers have been carrying on their fight. They had to face firing, arrests and lengthy trials and at some places in absolute hunger, semi-nudity and stark want they had to yield to the capitalistic lords. The labourers asked for a living wage; they asked for a system of monthly payment in the place of daily payment, they asked for suitable housing accommodation, and in the alternative, allowances; they asked for an increase in wages due to the high cost of living in the suburbs of Calcutta, at all events for an increase to the scale prevailing in the other provinces so that the workmen may be equally treated everywhere; they asked that the minimum wages should be Rs. 16 for all classes of workmen, they asked for wages for holidays, or in the alternative, that workshops would be open on holidays to enable them to earn their meals for that day, they asked for leave rules as in the case of the subordinate staff in the offices; they asked for corruption and bribery to be checked; they also asked for their Union to be recognised but the managements turned a deaf ear to all their petitions and appeals, and as a last resort they had to go on strike and many thousands were thrown out of employment. Other trades may suffer and have suffered depression but the jute trade has invariably given large dividends. That, however, has not adequately pleased our jute princes who have substituted the single shift system for the multiple shift. It is understood that in July all the mills will introduce this single shift, with the result that about 25,000 to 33,000 workers will be thrown out of employment. The position is extremely serious, but mark the contrast between the attitude of the British ruling class and that of their representatives in this country. Do His Excellency the Governor and the other exalted members of his Cabinet propose to undertake a tour and see things for themselves as the Prince of Wales has been doing now in Wales? Here interested parties lay the blame of all strikes at the

door of Moscow, they see the spectre of communists and Bolshevik agents at work. Has there been any attempt to inquire into the causes of strikes or the charges brought against the management in the different places? We have no Lord Mayor's Fund in this country as in England. I would implore of our exalted dignitaries of the State to cast aside the devil of prestige and make themselves accessible to the jute workers as the Prince of Wales is now to the Welsh miners. You will find the Indian worker exactly like the Welsh miner with this difference only that while the former is black and the latter is white in complexion. If it is only the communists and the Bolsheviks that make the workers of this country conscious of their deplorable condition, that they are hardworking and starved, India must be a strange country.

The Treasury benches, I anticipate, will point out that a Royal Commission on Industrial Grievances will grace this country with their presence in the near future. The Treasury benches may also remind us of the promise of Mr. Baldwin that he will be more careful in the composition of this exalted Commission. But let us tell the Treasury benches openly and plainly that we Indians have no faith in these Royal Commissions. An absolute indifference on the part of Government has driven us to the belief that the Government and the police officers are the allies of the capitalistic princes and lords, specially the jute lords of Bengal. It was only the other day that the police court was lavish in its praise of the Deputy Superintendent of Police at Bauria, centre of one of these disputes. We have been driven to believe that these Royal Commissions are intended to hoodwink the people of India, that they only serve the capitalistic and imperialistic interests to the prejudice of the interests of the labourers. Although this exalted Commission may be provided with magnificent and luxurious arrangements while it graces this country with its presence we have not the least doubt that such a Commission is wholly unfitted to render any relief to the poor labourers. I ask for a local committee, not a Royal Commission, mostly non-official in character, which will be in close and direct touch with labour and which will make an honest endeavour to remove the grievances. With these words I commend my resolution to the Council.

Mr. H. S. SUHRAWARDY: I beg to support the resolution. Time and again have the appalling conditions of labour been laid bare before the public not only of this country but of England, not only by Indians, but by Englishmen whom you cannot possibly disclaim and who belong to that wing of Government which will shortly assume the reins of control in England. But little has been done to remedy the evils except perhaps the establishment of a Baby Clinic by Sir Alexander Murray at Kankinarah after the auspicious visit of

His Excellency to that place. We know that the head of the province is very sympathetic towards labour and I daresay Government will not disclaim its interest in it. It is up to Government therefore to try and do its best to improve the condition of labour and help those who cannot possibly help themselves. I am sure Government realise that it is very difficult to improve the conditions of labour through non-official agencies for non-official agencies will be looked upon with suspicion and distrust by jute mill owners. They can only represent their case through labour unions or trade organisations. In these days of general principles they are liable to be captured by those communists whom the Government of India and all Governments subordinate to them so wholesomely dread. Lest, therefore, we should launch the bark of labour organisation in troubled waters we should take time by the forelock and improve the conditions of labour before it is too late. We do not look with avidity at the dividends that are paid to the jute shareholders, nor to the princely incomes and emoluments of the Managing Agents, nor to the paradise in which the employers and the superior labour live. But we think on behalf of labour that a certain amount of money could advantageously be sunk every year for their improvement, their housing, their drainage, their education and their recreation, and the employers of labour might well consider that labour is a very important partner in earning the money which they enjoy.

6-30 p.m.

Some mill agents and recently the jute mill of Adamji Hajee Dawood, have shown the way in introducing amenities in their mills for the benefit of the labourers which other mills might introduce with advantage. The Committee will tend to bring together employers and the employed and solve this very vexatious problem. I, therefore, support the resolution, which has come in time, and I am sure it will commend itself to Government.

Mr. G. F. ROSE: Sir, I am utterly astonished, to say the least of it, to hear this artistic picture so vividly presented to us by the eloquence of the Bar Library and the Howrah Court. I myself feel rather strongly on the point because in my 28 years' experience of jute mill and jute mill life, I have had much closer experience than barristers and vakils have, and I must say that some of my best friends in India are among the jute mill workers. In some of our mills I have seen four generations and known and admired them, and I can assert that they have confidence in myself and in the management of our mills and that there is very little real dissatisfaction amongst any of the jute mills on the river that has not been caused and fomented by outside influences, and by people who have no real thought for the good of the workers at heart. To state that these workers are oppressed in our jute mills is nonsense for the simple

reason that one has only got to think of the fact, that of all the industries of India the jute mill industry round about Calcutta is one of the few that does not require to recruit labour from outside districts. It is true that in some of the mills a few of the recruits are brought from south of Orissa. That was started more as an experiment than anything else. In our own mills we have provided many of those comforts Mr. Suhrawardy has spoken about. We have not been able to build new mills, otherwise we would have flooded the world with goods and the loss would have come, not only to ourselves who have capital invested, but also to our workers themselves. For short time work the workers are paid extra money in the form of *khoraki* which works out at a comfortable living. If anybody denies this he has simply to go to the Post Office in the jute mill districts and verify the amount of money that is sent out to the different districts from the jute mill areas. A few years ago Mr. Langford James gave these figures to this Council and these figures compare favourably with that of the present day. There is not a jute mill district Post Office that does not send out large sums of money to the homes where the workers' families are. Another thing which will disprove this supposed hardship of jute mill workers is this: Is there any other country in the world which has employees in mills and factories, where the men, not counting the purely local staff, take leave for 2 or 3 months in a year? Is there any other country in the world where there are workers who can *afford* to do that? I doubt if there is any other country in the world whose workers can afford to take holidays for 2 or 3 months in a year. Then we have provided dispensaries, places of worship, and recreation grounds for our men. There may be one or two mills in the centre of the Howrah district, where the areas are so congested, that may not have them, but the mills outside the actual city of Calcutta and the town of Howrah have all these amenities. I think it is grossly unfair on the part of the hon'ble gentlemen of the Bar libraries of the High Court and the Howrah Court (who are anything but poor themselves), to represent that these men are all poor men. They are not poor men and I hold that this contention of the two gentlemen present is merely artistic eloquence and they simply paint imaginary sufferings of the workers in the jute mills. This picture, to say the least, is not a reality.

Mr. H. S. SUHRAWARDY: On a point of personal explanation, Sir. Although I come from the Bar Library, I am very very conversant with the life in the jute mill areas and I do not know whether my friend has visited these areas to the extent that I have done.

Maulvi LATAFAT HUSSAIN spoke in Urdu, the English translation of which is as follows:—

"I am pleased to see that a member of the Swarajist Party has brought this motion. I am not sure whether the mover really feels for

poor labour or he wants mere newspaper publicity of his lip sympathy for the working classes. There are very few politicians of his party who have been sincerely identified with the cause of labour. Politicians as a rule turn up whenever there is a strike and instead of helping in the settlement of the strike they harangue for the prolongation of the strike regardless of terrible consequences, viz., starvation and misery. The employers sit tight so long as politicians and communists carry on their propaganda. When the strike collapses and the poor starving workers surrender unconditionally outsiders disappear and employers treat the workers with pity. This was the state of things in Bauria and Chengail where the strikes in jute mills were kept up at the dictation of outsiders who collected several hundred rupees for relief and no one knows how the money was spent. People who profess their sympathy for poor workers should practise it at home and treat their domestic servants as human beings. Is it not a fact that the domestic servants are obliged to work day and night and even put the shoes of their masters into their feet. Talk of Royal Commissions and boycott. These are the very people who declared boycott of Simon Commission on behalf of labour without even consulting the poor workers. I am surprised that the mover said that workers did not want the Royal Commission on Labour. Nothing of the kind—every worker wants an inquiry into his grievances and nothing can be better than an inquiry by a Royal Commission coming from England with members of the British Labour Party. An inquiry by a local Committee will be a farce as employees in private industries will not attach much importance to such half-hearted inquiry. I therefore oppose this motion having full faith in the wider investigation by the Royal Commission."

6-45 p.m.

Dr. BIDHAN CHANDRA ROY: On a point of order, Sir. Can you tell us whether he is supporting or opposing the resolution?

Mr. PRESIDENT: It is almost Greek to me (Laughter). I have requested the Deputy President to be on the alert for he understands Urdu as well as anybody in this House.

Mr. H. S. SUHRAWARDY: On a point of order, Sir. He is criticising the speech of Babu Manmatha Nath Roy. But what is his view on the resolution itself: should a committee be appointed or not? I entirely agree with the views expressed so far.

Mr. PRESIDENT: Order, order.

Mr. J. M. SEN GUPTA: I never expected that I would have to speak on this resolution; but I have to do so having heard Mr. Rose, and we hear from him in this Council very little. Most probably he

would say that the members of the Bar Library of Bengal monopolise most of the time of this Council, and therefore he had never got the chance before. But before he had a fling at the members of the Bar Library he ought to have first seen from what class he himself comes. He says that the labourers in this country—the only justification he has for the purpose of proving in this Council that the labourers have had a very good time—he says that the labourers in this country have two or three months' holidays, which is unheard of in any other country. But at the same time he forgets that he himself, under the new scheme, gets a free passage, he gets not only a free passage but a first class free passage and I believe he along with the other members of the management of different mills and factories in India gets a free passage to England and back together with the members of his family. He forgets that, as a matter of fact, in no country in the world the managers and those who live round them live in more luxurious circumstances, or draw such princely emoluments. He forgets when speaking on this resolution that these jute mills used to pay 500 per cent. dividend; even this year I believe the figure was 700 per cent. in some cases and I am surprised at Mr. Rose's coming forward and opposing an innocent resolution like this, namely, the appointment of a committee with a view to mitigating the grievances of the labourers. I am also surprised at the fact that two members representing labour are sitting by him when he is opposing this resolution——

Mr. K. C. RAY CHAUDHURI: On a point of order, Sir. Seats for the nominated members are reserved on this side of the House.

Mr. J. M. SEN GUPTA: Quite right, for members nominated by and representing the Secretariat. Mr. Ray Chaudhuri gave us his view only the other day in another place—the Calcutta Corporation. Mr. Latafat Hussain has gone against the direction of the body which he represents in this Council—the Trade Union Congress. He is directly against the Trade Union Congress and co-operates with the Simon Commission. In this country the employers of labour, the jute mill-owners, the Clive Street plutocrats and the so-called labour members in this Council work hand in hand, and it is impossible to deny that the Government in this country is run on capitalists' interests and concerns. Government is always helping the capitalistic concerns. Whenever there is a strike, have they ever up to this time sided with the labourers? They have always run to the rescue of capitalistic concerns, and we poor lawyers have been with the labourers, we have spent our money and we have gone to jail with them. I have never found a man of the type of Mr. Rose siding with the labourers. He has a fling at Mahatma Gandhi, Deshabandhu Chittaranjan Das and men like myself who have taken up the cause of labour. Has he suffered with the labourers? We

have gone inside the bustees where the labourers live and we have seen the condition of their living and have suffered imprisonment with them. The condition of the workers has been depicted by Mr. Rose as happy and prosperous but let me take a few examples of his own countrymen. How does it compare with those described by Mr. Johnstone, Mr. Thurtle, Mr. Mardy Jones and Mr. Purcell about the workers round about Calcutta and in the Calcutta mills? Mr. Rose should know that it is not we the agitators, nor the members of the Bar Library who described these things. There is a real reason for a committee of this description. I think it is a very modest and half-hearted resolution; but even this is opposed. We want legislation which will not be turned down by His Excellency the Governor; that is the position. The whole system of Government is absolutely rotten to the core. If anything is brought before this Council which attempts to do any good to the labourers in general, that is bound to be turned down. We have the Trade Disputes Bill in the Assembly. If more power is conferred on Government, that power will also be exercised for the benefit of the capitalists of the type of Mr. Rose. Whenever there has been firing, it has been said that the labourers were to blame. Has there not been a single case where the strikers have no grievance against any particular capitalistic concern? Have you ever heard of the Government putting their forces against, or helping the labourers to bring down the capitalists to their terms? Never. I do submit that this fling at the members of the Bar Library is absolutely undeserved. I am a member of the Bar Library and I may tell him that when hundreds and thousands of tea garden coolies were dying of cholera epidemic, it was I and not men of Mr. Rose's type, and the members of the Bar Library came to their rescue and went to jail. One more reason why we lawyers have got to help these labourers and it is this. In this country labourers are not organised, they are uneducated and they do not know how to run their associations and the only men who can help them at this stage of their development is men of their own blood and bone. Time will come when they themselves will organise but that time has not yet come, and until that time comes there is no harm for us, lawyers, in giving them help. That is exactly the position, and I submit that this is a very modest and mild resolution. Mr. Rose's case is that there is no strike. Men who have seen the labour disputes of Bengal during the last 10 years ought to know that Mr. Rose is wrong and we are right and that we have a just cause for proper investigation into the question of labour conditions in this country.

ADDITIONAL DEPUTY SECRETARY to GOVERNMENT, DEPARTMENT of COMMERCE (Mr. R. N. Gilchrist): Mr. President, I rise to oppose this resolution, for a reason anticipated by the

hon'ble mover, namely, the announcement of the appointment of a Royal Commission made by His Excellency the Viceroy at the end of the last month. There is no question that there are labour questions in Bengal which should be gone into; Government do not doubt this; but, in view of the appointment of a Commission which is going to investigate all these questions, the appointment of a local committee would be superfluous and out of place. Most of the questions that have been raised in this discussion are of general interest; they apply not only to Bengal but to the whole of India, and must be examined on an all-India basis. Moreover, all labour legislation—and this is a very important point with reference to what Mr. Sen Gupta has said—is central, and if there is to be a committee appointed at all to make recommendations, then that committee must be a central one, as the Royal Commission is. In view of these considerations, and now that he has expressed his views, perhaps Mr. Roy may see his way to withdraw the resolution.

7 p.m.

MEMBER in charge of DEPARTMENT of COMMERCE and INDUSTRIAL SUBJECTS (the Hon'ble Mr. A. Marr): Sir, I will just add one word. An attempt has been made to make out that the Royal Commission will not work down to these actual workers and labourers in the mills. There need not be any fear at all about that. That is one of the principal things for which the Royal Commission is coming out—to inquire into the conditions of the actual workers themselves and the conditions of labour in this country. We have already started gathering facts and figures to be laid before the Commission.

Mr. H. S. SUHRAWARDY: May I ask the Hon'ble Member whether it would not be possible for the local committee, if it is appointed, to gather those facts and figures to be placed before the Royal Commission? That will create more confidence than if they were gathered by the Government.

The Hon'ble Mr. A. MARR: All I can say is that if I were put to it to choose a committee I would consider myself a genius if I were able to choose a committee to the personnel of which one side or the other would not object.

The motion of Babu Manmatha Nath Roy was then put and agreed to.

Adjournment.

The Council was then adjourned till 2-30 p.m., on Tuesday, the 12th February, 1929, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 12th February, 1929, at 2-30 p.m.

Present:

The Hon'ble the President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 107 nominated and elected members.

Point of Order and Questions and Answers.

Mr. J. M. SEN GUPTA: May I rise, Sir, on a point of information? I want to ask, through you, the members of Government whether there are any undisposed of questions—I mean questions that remain to be answered. There is no agenda of "Questions and Answers" to-day. Certain questions were put by members on this side of the House, and they have not been answered though they were sent in in due time. I submit that there has been plenty of time for preparing the answers, and as we shall be adjourning to-morrow for a short period, I should like to know why no answers to questions have been given to-day.

Mr. PRESIDENT: Mr. Sen Gupta, you have put a question, but you did not say to whom you put that question.

Mr. J. M. SEN GUPTA: My question was put to the Members of Government through you, Sir, as to why we have no agenda to-day of "Questions and Answers," notwithstanding the fact that some of the questions were put a long time ago.

Mr. PRESIDENT: Mr. Sen Gupta, so far as I am concerned, I have no answer to give to your question. I do not know why the answers to the questions you refer to are not ready. All that I have heard just now is that no answers have come in.

Maulvi ABUL KASEM: Sir, I fully understand why you have no answers to give, but you are the President of this Council and as such you rule it. The complaint from this side of the House is that there are questions of which due notice has been given, and which have also been allowed by you, but to which no answers are forthcoming. We are in the dark and do not know when the answers will

be ready. I submit, Sir, for your consideration, that all the questions of which due notice has been given should be printed and circulated to members and let Government answer them whenever they can.

Mr. PRESIDENT: I think, Maulvi Sahib, you will not be able to point out any rule to the effect that there must be questions every day.

Maulvi ABUL KASEM: Under the rules one hour is allotted to answering questions.

Mr. PRESIDENT: You are not quite right, Maulvi Sahib. The rule means that the first hour shall be available for questions, provided there are questions and answers.

Maulvi ABUL KASEM: What I submit, Sir, is that the questions are there, but if the answers are not ready, certainly we are not to blame.

Mr. D. N. ROY: May we know, Sir, what Government have to say about this?

Mr. PRESIDENT: Yes, I have no objection: The Leader of the House may, if he wants to, make any statement.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: The answers to the questions will be ready shortly and will be given during the course of this session.

Mr. PRESIDENT: The question is why no answers are ready to-day. I think it is desirable that you should make a statement to satisfy the House as to why no answers are ready to-day.

The Hon'ble Sir PROVASH CHUNDER MITTER: May I as an individual member of Government submit one point? So far as I am aware, there is only one question to which I shall have to reply. The reason why the answer is not ready is that we have not yet received certain information called for, reminders have been issued to expedite the matter.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: The reason why answers are not ready is that it requires some time to make the necessary inquiries.

Mr. PRESIDENT: I do not think it possible to elicit any answer from the Leader of the House which will satisfy the Council. With regard to the rule itself, my interpretation of it is that the first hour shall be available for questions, provided there are questions

and answers, and in the absence of answers it is not possible to devote that hour to the questions of which notice was given. But as a large number of members seem to feel aggrieved, I may admit some such questions as the Hon'ble Members and Ministers may be willing to answer.

Mr. D. N. ROY: What about the answers to supplementary questions?

Mr. PRESIDENT: The answers I am just told are not yet ready.

Mr. S. C. BOSE: May I ask the Hon'ble Minister in charge of the Excise Department to let the House know whether he has granted a licence for an excise shop to one Sailendra Nath Chakraburtty? This question was put by Mr. S. C. Mukerji, a nominated member of this Council, more than 15 days ago.

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (EXCISE) (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur). I am not prepared to answer this question without inquiry. (Cries of "Can't hear!")

Mr. P. C. BASU: Does the Hon'ble Minister feel it inconvenient to answer this question?

Mr. PRESIDENT: That question does not arise.

Mr. J. M. SEN GUPTA: May I, Sir, put a question to the Hon'ble Minister? Had he no hand in the grant of this licence at all? I want to know if a licence was at all granted to one Sailendra Nath Chakraburtty.

Mr. PRESIDENT: I think I should clear up a misapprehension. I do not wish that the members on this side of the House (pointing to the Congress block) should ask any questions, written notice of which has already been received, because the answers to such questions are not ready. But if any member has any question to ask with regard to any information that he considers to be urgent and important he may put it.

Mr. S. C. BOSE: Will the Hon'ble Minister in charge of the Excise Department be pleased to state whether the name of Sailendra Nath Chakraburtty was recommended to him personally by a member of this House?

Mr. PRESIDENT: I do not allow that question; it is of a personal character.

Mr. JOGESH CHANDRA GUPTA: May I ask the Hon'ble Minister in charge of the Excise Department if he has actually got notice of this question which refers to the Editor of *Vote-runga*? This question arises out of the reply of the Hon'ble Minister that he could not reply to the original question without inquiry.

Mr. PRESIDENT: I have already ruled, Mr. Gupta, that you cannot ask questions of which notice has already been given, or any questions arising out of them.

Mr. S. C. BOSE: Will the Hon'ble Minister in charge of the Excise Department be pleased to state whether one Sailendra Nath Chakraburtty interviewed him personally for the grant of the licence?

Mr. PRESIDENT: I disallow that question on the same ground.

Dr. KUMUD SANKAR RAY: Will the Hon'ble Minister be pleased to state whether it is a fact that the State Medical Faculty of Bengal has been given the power of inspecting medical schools—a power which was reserved for the Council of Medical Registration of Bengal by a resolution of Government?

(No reply).

Mr. SYED MD. ATIQULLAH: I gave notice of a motion of "no confidence" in the two Ministers——

Mr. PRESIDENT: Order, Order, Mr. Gupta is in possession of the House.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister in charge of the Excise Department be pleased to state if the case between Dinshaw and Sorabji and Mazda Company came up for decision before him lately?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Yes.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether in regard to his decision in this case, he indicated the policy he would follow in the decision before it was given?

(There were cries of "Answer," "answer," as no reply was forthcoming from the Hon'ble Minister).

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I want notice of this question.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state if one of the parties, namely, Mazda & Co., was instructed to engage a particular lawyer in this case?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I want fresh notice of this question.

Mr. SYED MD. ATIQULLAH: Will the Hon'ble Minister in charge of the Excise Department be pleased to state, for the information of the House, the names of the lawyers that appeared before him in the excise case?

(No reply).

Motions of no confidence in Ministers.

Mr. SYED MD. ATIQULLAH: On a point of information, Sir, I gave notice of a motion of "no confidence," and I want to know whether there is any bar to my getting your consent?

Mr. PRESIDENT: Mr. Atiqullah, if I remember aright, you gave notice of a similar motion a few days ago, and you had my consent to move it, but you did not do so. To-day two notices were placed before me, one over your signature and the other over the signature of Maulvi Nurul Huq Chaudhuri. As I gave you an opportunity before, but you did not avail yourself of that, I thought that this time I would better give my consent to the motion of Maulvi Nurul Huq Chaudhuri. You will be at liberty to speak on that motion if you so desire.

Mr. J. M. SEN GUPTA: On a point of order, Sir, I do not wish to show in the slightest way that your ruling is wrong so far as this particular point is concerned, but I would like to know whether you wish to give to-day any ruling which is not covered by the facts of the case. Simply because a motion of "no confidence" had received your consent a few days ago and the member did not get up on that day to move it, is he not entitled on a subsequent date to get your consent on the same motion? I hope that you will not give a definite ruling on this point to-day, having regard to the fact that two members have given notice of the same motion to-day.

Mr. PRESIDENT: Mr. Sen Gupta, I think you are partially right, as each case has got to be decided on its merits, having due regard to the circumstances under which it crops up.

Maulvi NURUL HUQ CHAUDHURI: I rise to ask leave of the House to move motions of "no confidence" in the two Hon'ble Ministers. I have given proper notice of the motions and I have received your consent.

Mr. PRESIDENT: Maulvi Nurul Huq Chaudhuri has asked for leave to move the following motions of "no confidence" in the two Hon'ble Ministers, namely that—

"This Council has no confidence in the Hon'ble Nawab Musharruf Hosain, Khan Bahadur, the Minister for Education; and

this Council has no confidence in the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, the Minister for Local Self-Government."

Those members who are in favour of leave being granted will please rise in their places.

(The members rose and a count was taken which was found to be 49.)

Mr. PRESIDENT: The required number of members being in favour of the motions, leave is granted. The motions will be taken up on a date to be fixed by me. At this stage, I should like to have suggestions from members as to the most convenient date on which the motion should be taken up, although it rests absolutely with me as to what date should be fixed.

Mr. J. M. SEN GUPTA: So far as this question is concerned, I think it is an open secret that for the last week or so there have been attempts to put these motions forward. For one reason or other, the motions were not actually put forward in the Council Chamber. Notices of the motions were given some days ago, but they were not moved on that particular day. If they were actually moved on that date, probably the motions would have come up for discussion to-morrow, so I think that to-morrow is a very suitable day, and I submit, Sir, that having regard to the fact that the Council will not sit for some days after to-morrow, you will fix to-morrow for a discussion of the subject. I do not think this is at all unfair to the Hon'ble Ministers because they have known perfectly well in the last few days that the motions were coming, and for them to plead in this House ignorance of the steps that were being taken for moving these motions would not be quite correct.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, so far as my friend Mr. Sen Gupta's plea is concerned, namely, that we were aware that the motions were coming, I submit that this sort of thing has been going on for the last 7 or 8 days and as they could not get even 6 men to rise in their seats (Cries of "Question, question"), we were perfectly justified in thinking that the motions might not come up after all. So we did not prepare ourselves to meet the attack. I pray to you, Sir, that you will kindly give us 8 or 10 days' time in order to get together all our supporters. (Laughter).

Mr. J. M. SEN GUPTA: Is that the reason for deferring the date?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, we are the accused and my friends to the right are the complainants, and if they do not give us a patient hearing they will be doing a great injustice. I simply request them to give us some days in order to enable us to meet the charges they will bring against us, and I suggest that the 20th February is the best date for this discussion.

(Again there was an uproar, and the Hon'ble the President called the members to order.)

I ask for this indulgence from the House, and from you, Sir, and I doubt not that you will kindly fix the 20th February for the purpose.

Mr. SYED MD. ATIQULLAH: Sir, I should like to make one submission. One of the charges that I shall bring against the Hon'ble Ministers, especially against the Hon'ble Minister for Education, is of corruption, and in the interests of public purity they should not be given any further opportunities for practising corruption.

Mr. W. L. TRAVERS: Personally, as I live about 300 miles away, I would much prefer the motions to be discussed to-morrow ("Hear, hear!"), but if I may say so, the opposition party having taken the whole of the session up to to-day to raise their 46, it seems scarcely fair to give only one day's notice now to bring the motions forward for discussion. Therefore, though it will be a great inconvenience to myself, I should much prefer and my party also prefer it, a later date than to-morrow.

Mr. JOGESH CHANDRA GUPTA: With regard to the remarks of my friend Mr. Travers, may I say that if he sincerely believes that it has taken all this time to raise 46, then it is only meet and proper on the part of the Ministerialists that they should have the question decided immediately or at the latest to-morrow, otherwise the number may go up to 50. The Hon'ble Ministers have had about 4 months time to consolidate their position, as the official term goes. The rumour is that a session was not fixed, as is usual, in November because the Ministers——

Mr. PRESIDENT: You are out of order, Mr. Gupta. How do you infer that?

Mr. JOGESH CHANDRA GUPTA: I abide by your ruling, Sir. Why we object to time being given is that there is no rule that such time should be given. Surely, Sir, if you were to hear an account

of the jobberies that are being carried on by the Hon'ble Ministers, and which we shall expose when these motions are discussed, I think you would not give them any further time to blacken the characters of some people who are won over by doubtful means. To give time would be to allow some of the doubtful means—which are by no means honourable—to be employed by those in power. They can do whatever they like before to-morrow. There are many things pending, such as appointments, etc., and if they want to dispose of those matters they can do so at once and consolidate their position. To-morrow, particularly, is Wednesday, and the *Calcutta Gazette* may appear the next day with the evidence of the gratitude of the Hon'ble Ministers.

Maulvi NURUL HUQ CHAUDHURI: May I point out, Sir, that our unwillingness to bring these motions forward earlier was not due to our inability to gather together 46 members, but because we thought that the fact of these motions would be taken advantage of by certain unscrupulous persons to squeeze money out of the Ministers, if we brought them earlier? (Laughter).

Mr. PRESIDENT: Mr. Chaudhuri, I do not allow you to cast such a reflection on the conduct of the Hon'ble Minister——

Maulvi ABUL KASEM: May I make an observation——

Mr. PRESIDENT: Mr. Kasem, will you please resume your seat? You should not have risen while I was addressing the House.

The Hon'ble Minister has suggested the 20th of February as a suitable date, but that is a Government day, and I do not know whether the Leader of the House will agree to that.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Yes, Sir. We have no objection.

Mr. PRESIDENT: I will now sum up the debate. On this side of the House (pointing to the Congress block) it has been urged that because the notice of "no confidence" motions in the Ministers was given a few days ago by Mr. Atiqullah, the Ministers ought to have taken that as a sufficient warning and prepared themselves to meet any charges that might be brought against them. So far as that point is concerned, I do not agree with them. The Ministers could not be expected to take any definite action to defend themselves till the motions actually materialised. As regards the 20th of February, which is a Government day, I understand that Government have no objection if I take up the motions on that date. Under the rules I have to obtain their consent to do so and that consent has been given. Monday, the 18th, also appears to me to be a suitable day. The Opposition may choose either of the two dates.

Mr. J. M. SEN GUPTA: Since the choice between the two dates has been left to us, Sir, we should prefer the 20th.

The Hon'ble Mr. A. MARR: I submit that the motions should be taken up after the presentation of the Budget.

Mr. PRESIDENT: Yes, certainly.

Mr. J. M. SEN GUPTA: Will the Council sit on that day from 2-30 p.m. to 7 p.m. or adjourn at 5-30 p.m., as announced?

Mr. PRESIDENT: Yes, we sit at 2-30 p.m. If the Moslem members have no objection, we may continue the sitting after 5-30 p.m., if necessary. Otherwise, the subject will remain open for discussion on the following day, I mean the 21st. So, I fix the 20th of February next, after the presentation of the Budget, for this discussion.

RESOLUTIONS

(on matters of general public interest).

Separation of the offices of the Bengal Legislative Council and the Legislative Department.

Srijut NAGENDRA NATH SEN: As Mr. Rahman is absent and as an identical resolution stands in my name I, therefore, pray for leave to move the resolution standing in the name of Mr. Rahman.

Mr. PRESIDENT: Yes, you can move resolution No. 4.

Maulvi ABUL KASEM: With reference to this I beg to submit that the member who gave notice of this particular resolution which has been balloted as No. 4 in the agenda paper being absent, the next resolution on the paper should have precedence over any other in the list.

Mr. PRESIDENT: Any other member may move it with the permission of the President.

Srijut NAGENDRA NATH SEN: I beg to move that this Council recommends to the Government that the offices of the Bengal Legislative Department and the Bengal Legislative Council be separated with effect from the 1st April, 1929.

This is not a new or a novel resolution. It has been adopted in the Legislative Assembly so far as that Assembly is concerned and the stand which the Hon'ble Mr. V. J. Patel, President of the Legislative Assembly, took in that matter is now a matter of history.

With regard to details of this resolution I may as well point out that what the Hon'ble Mr. Patel said in his statement before the Legislative Assembly on the 5th September, 1928, may profitably be worked upon here. Let us now consider the statement that he made from his position in the Assembly: "The most essential demands contained in the scheme were three: That the Assembly Office (in this case the office of the Legislative Council) should be separated from the Legislative Department of the Government of India (in this case the Government of Bengal) and be treated as an independent department and not merely as an office attached to any department of Government; secondly, that its principal officers and establishment should be under the control of the Assembly through its president, and, thirdly, that the financial proposal for the new department should be included in the annual budget without any scrutiny by the Finance Department, the Assembly to be the final judge as to whether the proposed expenditure was necessary." It was formulated in a resolution moved on the 22nd September last by Pandit Motilal Nehru in the Legislative Assembly and with regard to the details of this resolution I may as well put them before this Council and request the members to consider them and ask Government, if this resolution is carried, to proceed on the lines indicated therein. That resolution of Pandit Motilal Nehru reads as follows:—

"This House is strongly of opinion—

(*a*) that a separate Assembly Department should be constituted not later than 1st December, 1928 (we have here 1st April, 1929);

(*b*) that the Government of India (in this case the Government of Bengal) should take immediate steps to secure the sanction of the Secretary of State to that part of the scheme which requires his sanction; and

(*c*) that the scheme submitted by the President (in this case the Legislative Council) and amended by the Government of India (here by the Government of Bengal) should be modified so as to provide certain things."

I need not place anything in support of this resolution because it speaks for itself and I can only adopt for my own submission what was said by the Hon'ble Mr. Patel in his statement on the 5th September, 1928, that will be found at page 220 of the published report and I quote that: "As matters stand at present the Secretary of the Assembly owes no allegiance to it or to the President: he is for

all practical purposes responsible to the Governor-General in Council In every question at issue between the Government and the representatives of the people he is bound to identify himself with Government. He is invariably nominated a member of the House and as such he joins a party, votes with them, works for them and is one of them. Neither the Assembly nor its President has any authority over him and can therefore in any way control his conduct in any matter connected with the Assembly. The President cannot in the nature of things therefore regard the advice of the Secretary in connection with the business of the Assembly as coming from a wholly impartial, unbiassed and independent source and it is natural for the same reason that the Assembly should desire radical reforms in the present state of things."

After very hard struggles the assent of the Secretary of State to the separation of the offices of the Legislative Department of the Government of India and of the Legislative Assembly has been obtained and the two offices have been separated. Now the same reasons apply to this Council and I can only say in my own language that it is just like what we are about, namely, the separation of judicial and executive functions. This matter is not a new one. It will appear from the Despatch of the Government of India relating to the constitution of a separate office for the Legislative Assembly which was laid on the table in the Assembly on the 17th September, 1928, and that matter is as old as the reformed Council and the Legislative Assembly because we find that on the 5th March, 1921, Mr. E. L. Price moved such a resolution before the Legislative Assembly; it was continued till the 22nd March, 1921, by Dr. (now Sir) Hari Singh Gour. In 1922, 1923, 1924, 1926 and 1927 identical motions had been placed before the Legislative Assembly to effect the separation of the Legislative Department of the Government of India and the Legislative Assembly. We find that it was in the year 1924 that the view of the Government of India on this question was definitely stated in reply to a question by Mr. K. C. Neogy in the following terms: "The question was exhaustively examined after the Inchcape Committee submitted its report and it has been decided that for the present, in the interest both of economy and efficiency, it is desirable that the business of the Legislature should continue to be conducted by the Legislative Department of the Government of India." Since then a new light has dawned upon the members of the Government of India and both they and the Secretary of State for India in Council have assented to the separation as desired. So I think this Government will have no objection to accepting this resolution and if it is so accepted, provision for it may be made in the forthcoming budget and effect be given to the resolution from the 1st April, 1929.

With regard to details I leave it to the Government to work them out and request them to work them on the lines adopted by the Assembly. In this connection I may state that experiments have been tried in Madras, if I am not mistaken, in the Punjab and the United Provinces of Agra and Oudh with great success and if this scheme has succeeded in United Provinces, Punjab and Madras and as it has also been recently introduced into the Assembly I do not see what objections Government can possibly have against its introduction here. Therefore I recommend this resolution to the members of this House and that, if carried, be given effect to from the 1st April, 1929.

Mr. W. H. THOMPSON: The mover of this resolution has put it forward as a matter of principle but I prefer, Sir, to consider it, as it should be considered, as a domestic matter, and as this is a domestic matter, possibly the head of the household, the President himself, could give us the best lead as to what should be done. Unfortunately, however, we shall not get an expression of his opinion unless we can contrive to bring a division to a tie. No doubt this matter was part of the agenda and was considered at the recent meeting of Presidents of Legislative Councils held in Delhi, but, Sir, if you will pardon my saying so, you gentlemen were remarkably secretive. Having no lead from you, Sir, we must consider the matter as we see it. We see, Sir, your Secretary a busy man during the sessions. We can imagine that he is fairly busy on the days previous to the sessions but the sessions last for a small portion of the year only. Should he not be allowed to continue to do other work when the House is not in session? If we do not, I see him sit with idle hands, and idle hands are dangerous. If the Satanic Government allows its employees to sit with folded hands for a large portion of the year, be sure, Sir, that "Satan himself will find some mischief still for idle hands to do." But, Sir, to be serious.

This question of separating and duplicating departments must necessarily mean duplication of expenditure and we in Bengal have little money to burn. Perhaps after we had spent money on such a matter as this we should find that all we had done was to erect a new post-office and that is all that we fear we should do if we accept this resolution. But, Sir, that is not my whole point. The resolution recommends that this Council should have a Secretary of its own. If it were accepted, we should lay ourselves open to the invidious criticism that we have not only wasted money but that we have wasted it on ourselves.

3-15 p.m.

MEMBER in charge of LEGISLATIVE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): Sir, I may at once say that

as one who has been an elected member of the House for a long time, I approach the question with every sympathy, but I am afraid that the resolution as framed cannot be accepted.

Dr. KUMUD SANKAR RAY: Why not amend it?

The Hon'ble Sir PROVASH CHUNDER MITTER: Just listen to me.

The resolution is: "This Council recommends to the Government that the offices of the Bengal Legislative Department and the Bengal Legislative Council be separated, with effect from the 1st April, 1929." The budget has already been prepared and under the rules the budget must be settled before January. So far, therefore, as separation from the 1st April, 1929, is concerned, it is out of the question. But the question, as has been rightly pointed out by the mover, is one of vital importance. It has been accepted for the Legislative Assembly by no less an authority than His Excellency the Governor-General. But, as Mr. Thompson has pointed out, that is approaching the question only from the point of view of principle; but the question has to be approached not only from the point of view of principle, but the domestic aspect also must not be ignored. Therefore, I desire to place certain materials before the House. Under existing arrangements, as members of the House are aware, the Bengal Legislative Department, which is a Government Department, supplies the Legislative Council with the necessary staff, and that staff does the work of the Legislative Council. The staff of the Legislative Department consists of a Secretary to Government, two Assistant Secretaries, one Registrar, one Legal Assistant, two superior clerks, 13 other clerks and 5 typists. Well, this staff does the normal Government work as also the work of the Legislative Council. The normal Government work consists of drafting of Government Bills, revising bye-laws, drafting subsidiary legislation and dealing with them, drafting notification, keeping up-to-date information about Statutes, British, Indian and local, printing and publication of Acts, obtaining and digesting opinions on legislation, and consultation work with regard to the different departments. This is with regard to Government work. Then, the same staff also does legislative work of the Council and the main items of such legislative work are organisation of Legislative Council meetings, preparation for questions, examination and arrangement about the resolutions and other matters, examination of Bills in original, also amendments of Bills; also examination of Bills for the purpose of seeing whether the previous sanction by the Governor-General in Council is necessary, and, ultimately when those Bills are passed, bringing them on to the Statute Book.

Now, if this staff is separated, then we shall require something like the following staff for the Legislative Council: A fully qualified draftsman as Secretary; a fully qualified Legal Assistant on the staff; two good legal sub-assistants; some clerks and typists; and a number of reporters. At the present moment the reporters are supplied by the Government staff. Well, this staff will perhaps be sufficient for the normal work of the Legislative Council, but when heavy legislative work comes in like the Calcutta Municipal Act with 700 or 800 amendments, or the Bengal Tenancy Bill with 1,400 or 1,500 amendments, then this staff will be insufficient, and the House will have to consider what should be done for heavy legislative work of that type. Well, there is not the slightest doubt that the present system makes for economy; there is not the slightest doubt that under present conditions the staff I have mentioned is kept busy throughout the year. Now, if we have the staff mentioned for the Legislative Council work it will practically be necessary to have a similar staff for the Legislative Department; in other words the expenditure will be doubled. At the same time we want to approach this question with sympathy and find out ways and means which will be acceptable both to the House and to the Government, which is the custodian of the public purse. My suggestion is that a representative committee of the Council be appointed to inquire and report to Government and to Council on the following amongst other points:—

(a) the additional expenditure necessary;

(b) allocation of duties of the Legislative Council staff, their number, qualification, salary, etc.; and

(c) how far the Government's staff can be utilised without detriment to any question of principle.

I may mention that in the United Provinces they have no separate staff: the same staff is utilised for Government work as also for Council work, but there is allocation of duties. We wrote to Madras, but we could get no information as to what Madras was doing. We are unaware of what is done in the Punjab. As regards the Legislative Assembly the arrangement is different from that of the United Provinces. The committee should examine the Madras system, the United Provinces system, and, if the scheme has been adopted in the Punjab, the Punjab system, and also the Assembly system. Then there is the question of the recruitment of staff and in that connection I would draw the attention of the House that at the present moment, under statutory rules, His Excellency the Governor appoints the Secretary and also the two Assistant Secretaries. This is done

under Rule 5 of the Bengal Legislative Council Rules, printed at page 277 of the Council Manual. Under that Rule we have the following provision:—

"The Secretary and such assistants of the Secretary as the Governor considers to be necessary shall be appointed by order in writing by the Governor, and shall hold office during his pleasure."

Hon'ble members are aware that the Bengal Legislative Council Rules are statutory rules, and hon'ble members are further aware that, under section 129A of the Government of India Act, these rules cannot be changed either by the local legislature or even by the Legislative Assembly, so that one of the points made by Babu Nagendra Nath Sen will not arise in any case, and that is perhaps the reason why although His Excellency the Governor-General was very sympathetic to the resolution of Pandit Motilal Nehru yet about the appointment of staff, he did not give the power to the President. So far as our Council is concerned, under the present statutory rules, that power must vest in the Governor and this Council has no right to change the rule. Now, Sir, another point which this committee may usefully consider would be this: as to what arrangements can be made for controlling the staff and the financial arrangement of the staff. Well, in this connection the question arises that if it be arranged that the President should control the staff—and that is, I understand, the position in the United Provinces then in his capacity as controller of the staff, the President, as in the United Provinces, becomes the head of a department and therefore becomes subject to Government orders. I am sure my hon'ble friends to my right would not like that, and that is a question which requires investigation. Therefore, shortly, the position of Government is this: We are quite willing to investigate the whole question—this important domestic question—and we are quite willing to examine the question with every sympathy from the point of view of principle, but it does require examination, and if my hon'ble friend accepts my assurance that a committee will be appointed to examine the whole question, he should withdraw the resolution. When this question is investigated the House will be in a better position to decide what the arrangement should be. On the other hand if my friend presses this resolution I shall have no other alternative than to oppose it, if not for any other reason, for the reason that it cannot be given effect to from the 1st of April, 1929, and also because, while paying every attention to the principle involved, there is the question of finance, and Bengal is not too well off in this respect. There is also the question—if you have a separate staff then that separate staff will remain idle practically for three-fourths of the year, and in this connection I should like to place before the House certain materials. In the year 1921 the House sat only for 60 days. Now the separate staff of the Legislative Council, let me assume will begin to be busy, say,

a month before the Council sits. Then, in 1922 it sat for 60 days; in 1923 for 46 days; in 1924 for 28 days; in 1925 for 31 days; in 1926 for 28 days; in 1927 for 27 days; and in 1928 for 52 days when there was a very long session in connection with the Bengal Tenancy Bill.

Dr. BIDHAN CHANDRA ROY: Will the Hon'ble Member kindly tell us approximately how long it will take to examine the question?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am coming to that question. Even if the resolution is passed and even if Government were inclined to accept it, then no effect can be given to it till March, 1930. In any case there is a year before us. Supposing we appoint a committee and supposing the committee recommends the separation, we shall then be in a far better position and Government also will be in a far better position to come to a different decision and to arrange details. Supposing we can hit upon something by which the expenditure can be minimised and supposing that we can devise some means by which the members of the staff will not remain idle, then all this will be in favour of separation. Then, there is the question of principle which has been accepted for the Legislative Assembly. Therefore, if you pass the resolution to-day, you do not gain anything; on the other hand if you accept my suggestion about the appointment of a committee, Government, although it might oppose the resolution to-day, on further materials before it, may change its views.

3-30 p.m.

One objection is the question of additional expenditure, and the other objection is what are we to do with the staff which will remain idle for the bulk of the time. Therefore when we investigate into the whole matter, we may change our views, if these points can be satisfactorily met.

There are also two other matters to which I should draw the attention of the House. In the Legislative Assembly the Secretary is a member of the House. He has often to rise on points of order on behalf of Government. Here from the beginning we have followed the practice that the Secretary of the Legislative Department, who is also the Secretary of the Council, should not be a member of the House, and up till now no complaint has been made. We had a number of Presidents, and no President felt embarrassed because of the fact that the Secretary is a servant of Government. Well, even if the proposed system be introduced, under the statutory rules your new Secretary will have to be appointed by the Governor. That is also a point which the non-official members may take into consideration, and after the investigation both Government and the members of this House will be in a better position to consider the principle involved in it——

Dr. BIDHAN CHANDRA ROY: Will the Hon'ble Member assure us that he will have the report of the committee ready before the July session?

The Hon'ble Sir PROVASH CHUNDER MITTER: I shall try, but I cannot make a definite promise because naturally the Government Members and the members of this House will be very busy till the end of March, and I must consult the members of this House and the Government Members as to what sort of committee it should be.

Mr. D. N. ROY: Who will appoint the committee?

The Hon'ble Sir PROVASH CHUNDER MITTER: Government. After the heads of reference have been settled and the committee appointed after selection of members, it may be possible to have the report of the committee in July, but I cannot say definitely; I shall try. You cannot have anything done effectively till April, 1930——

Dr. BIDHAN CHANDRA ROY: If the matter is brought forward in January next year, the same complaint will arise, unless the life of the present Council is extended.

The Hon'ble Sir PROVASH CHUNDER MITTER: That is a point on which I was going to say something. Nobody knows when the present Council will be dissolved. Even if the House be dissolved in November, and if the committee begins its work in July and finishes its sittings in August, this Council will still be in existence, and there is no reason why we should go beyond August. In any case if the life of this Council be prolonged, the question will not arise; if it be not prolonged, even then the question will not arise. Therefore, I hope my friend will see his way to withdraw the resolution.

Srijut NAGENDRA NATH SEN: Mr. Thompson has raised some objections which have been reiterated by the Hon'ble Sir Provash Chunder Mitter, but it is a matter of extreme regret that the same fur coat theory of Lord Morley has been applied in this case. Fur coats are meant for Canada and not for India. The separation question has been hanging on in this country for some time, and although the Government of Madras and the United Provinces have been able to make a separation, it is regrettable that our Government have not seen their way to take any action up till now. But in view of the assurance given by the Hon'ble Member I am ready to withdraw my resolution. I, therefore, ask for leave of the House to do so, but at the same time I request the Hon'ble Member so to constitute the committee that it may be a representative one and that action may be taken forthwith.

The motion of Srijut Nagendra Nath Sen was, by leave of the Council, withdrawn.

The Hon'ble Sir PROVASH CHUNDER MITTER: There are a number of other resolutions on the same subject, namely, Nos. 16, 45 and 55. This decision should cover them all.

Dr. BIDHAN CHANDRA ROY: It would be better if you call upon those gentlemen who are present whether they would like to move it or withdraw it.

Mr. PRESIDENT: The House has given leave that a particular matter should be withdrawn and that is tantamount to a decision of the House that it should be withdrawn.

Dr. BIDHAN CHANDRA ROY: I think it would be better if those gentlemen were given an opportunity now to express their view in the matter.

Mr. PRESIDENT: I do not think it is necessary to do so.

The following identical resolution standing in the names of Srijut Nagendra Nath Sen, Maulvi Khorshed Alam Choudhury and Mr. Syed Md. Atiqullah were regarded, by leave of the Council, withdrawn:—

"This Council recommends to the Government that the officers of the Bengal Legislative Department and the Bengal Legislative Council be separated, with effect from the 1st April, 1929."

House allowance to the ministerial officers of the Bengal Secretariat.

Maulvi KHORSHED ALAM CHOUDHURY: I beg to move that this Council recommends to the Government that all the ministerial officers and typists of the Bengal Secretariat be given a house allowance, with effect from the 1st April, 1929, calculated at the rate of 20 per cent. of the pay of the lower division assistants and typists and 8 per cent. of the pay of the upper division assistants.

In moving this resolution I beg to state that the matter is so patent that it hardly requires any elaboration or special reason in its support.

All the Presidency towns have provisions for free quarters or house rent allowance for ministerial officers. Even the poor Province of Behar and Orissa has also provision for free quarters. The Eastern Bengal Railway and Postal Department, etc., are entitled to this concession in Calcutta. It is only the Bengal Government who are blind to this question although in Calcutta the problem is most acute.

The cost of living is very high in Calcutta and it is all the more so on account of the house rent. I trust that Government will do the needful in this connection.

Mr. W. L. TRAVERS: I know that the clerks and typists referred to in this resolution are a most deserving and hard working body of men and I do not want my few observations in regard to this resolution to be considered as in any way preventing the consideration of their case. But there are a few general observations on this and other such resolutions later on which have for their object an increase of pay or allowances, from the point of view of one who believes that it is most desirable that all Government employees should be paid reasonably and well and also has in consideration the general body of tax-payers in the province. The first consideration which I wish to bring before the Council is in regard to the cost of living. I think it is most desirable before any resolution such as this is determined that the Council should have some proof whether the cost of living has risen or the reverse. One knows that at home the Labour Department compiles such statistics regularly and they are issued to the press. I would suggest to the Government that at least they should take the initiative in this direction in this province now. The figures in relation to the cost of living would be of the utmost value to the members of this Council in consideration of a point such as this and also generally to all producers and employers of labour and to employees themselves, and I hope that Government will in future make up their mind to have a department responsible for the figure. My own opinion is that the cost of living has risen and that it will continue to rise so long as the representatives of this country in the Legislative Assembly press for a protective tariff which makes the cost of all necessities rise. In regard to the question of the cost of living one must define the position actually. There is a rise in this province not only in the cost of living but also in the standard of living and it is quite natural that it should be so. Education is slowly improving and extending and things which were considered to be luxuries some 10 or 15 years ago are now almost necessities, and it is in regard to tea, for instance, that it should be so, and the more it becomes a necessity, the more will the Hon'ble Minister and myself be pleased. I do not know to what extent the cost of living has risen in Calcutta, but I do know that the cost of living has increased very much up-country and it has increased more in the up-country districts than in Calcutta. In Jalpaiguri the typists in Government offices are having greater difficulty in making both ends meet than in Calcutta. What I would suggest to the mover of the resolution is that piecemeal allowances of this description are not advisable. I think that if these allowances are necessary they should be given to the whole body of men

referred to in this resolution whether they live in Calcutta or up-country. That is a very serious thing and I know it would involve a large expenditure in this province; and to allow the Council to make up its mind on so important a resolution like this, I think an inquiry is necessary in regard to the cost of living.

3-45 p.m.

Secondly, we should know how many and how numerous are the typists and clerks not only in Calcutta but all over the province and, thirdly, we ought to know whether indeed the finances of this province permit us to allow such an increased allowance or pay to typists and clerks who are in the employ of Government.

SECRETARY to GOVERNMENT, DEPARTMENT of FINANCE (Mr. A. Cassells): Sir, the substance of this resolution has come before this Council more than once. Its form is somewhat different, however, in that it recommends a house allowance instead of altering or increasing the scales of pay as in the former resolutions. Just about a year ago, in February last year, the Council rejected a resolution which proposed to raise the scale of pay of the clerks in the lower division of the Secretariat. The question was again considered by the Council when a resolution was moved last August and on that occasion the Council passed a resolution that the pay of the lower division assistants be increased and also that the pay of the typists be increased. The reasons urged then were mainly based on the cost of living, and in reply it was stated on behalf of Government that there was no evidence to show that the cost of living had risen beyond the 1921 figures or at any rate it had not risen sufficiently to justify the increase proposed. Another reason given, which still holds good, was that the finances of the province could not stand the expenditure involved. The economic grounds for enhancing the pay of the clerks of the Secretariat also apply to the other offices in Calcutta and in the neighbourhood of Calcutta and would soon be similarly extended to all the offices throughout the province.

Mr. Travers has suggested that if any change has to be made it should be based upon inquiries not only in Calcutta but also in the mufassal so as to ascertain whether the scales of pay outside the city are sufficient for present day needs; that is to say, before any change is made, an inquiry should be made similar to that held in 1920 when Mr. McAlpin's Committee investigated the whole question and when on their report the present scales of pay were introduced.

I wish to support that suggestion and I suggest that any piecemeal change such as that suggested in the resolution would not be justifiable and that no action should be taken until we know exactly what the position is. One has a general impression that the cost of living has not increased so enormously if at all but there are no detailed,

accurate and comprehensive figures which can be produced to point to any exact figure of increase. Mr. McAlpin's Committee gave full details. This was only 8 years ago and I doubt whether the time has come to make another general inquiry into all those details again and to consider whether an increase should be given generally not only in Calcutta but throughout the province. Considering the financial position of the province, it would seem that such an inquiry at the present time would be more or less of academic interest because from experience one knows that, even if increased rates of pay were given they would cost many lakhs of rupees and money simply does not exist in the province. So I suggest that the present moment is not a suitable one for embarking on this inquiry. So far from the point of view of the cost of living. On the other hand I can only repeat what was said before when the question was considered, that considering the scales of pay paid by other employers Government has no reason to feel ashamed, but that the Government rate is not less than the scale of pay obtainable elsewhere. It is still an attractive service both for clerks and typists. Large numbers of applications are received and so long as that condition exists, provided that a reasonable rate of pay is given, and considering the economic position of the country and the rates of pay given to similar men in other spheres, I suggest that there is no reason why public expenditure should be increased at the present time.

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. A. Marr): Sir, I should just like to add one word to what Mr. Cassells has said. Mr. Travers has raised the question of the cost-of-living index in Great Britain. I may tell him that since the time the Board of Trade index has been published at Home, it has never been accepted either by the employers or by the employees. One side maintains that the figures are too high and the other side that they are too low.

As regards India, of course I depend on my memory but I think it was in 1924 that at the instance of the Government of Bombay the Government of India addressed all Governments as regards the possibility of arriving at a cost-of-living index for India. The matter was gone into very thoroughly indeed and I think it was the letter of the Bengal Government that exploded the whole idea. We proved that for instance, for the city of Calcutta as many as 20, 30, or even more different indexes would be required to cover the different layers of society. When I was in Delhi in 1925, the Economic Enquiries Committee took up the question and we discussed it very thoroughly one whole morning and came to the conclusion that it was an almost hopeless problem as there was no machinery at hand to produce a cost-of-living index even in a local area, apart from a province as a whole.

The motion of Maulvi Khorshed Alam Choudhury was then put and a division was taken with the following result:—

AYES.

Aizal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Aamed, Khan Bahadur Maulvi Emaduddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Bose, Babu Bejay Krishna.
Bose, Mr. Subhas Chandra.
Chakraburtty, Babu Jatindra Nath.
Chakravarti, Babu Jogindra Chandra.
Chatterjee, Srijut Bijay Kumar.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Hoque, Kazi Emdadul.
Huq, Khan Bahadur Maulvi Ekramul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Maiti, Babu Mahendra Nath.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Pal Choudhuri, Mr. Ranjit.
Rahmen, Maulvi Shamsur-.
Ray, Babu Nagendra Narayan.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Ray, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarker, Babu Naliniranjan.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.

NOES.

Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Dash, Mr. A. J.
Drummond, Mr. J. D.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Gilchrist, Mr. R. N.
Hogg, Mr. G. P.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Jenkins, Dr. W. A.
Laird, Mr. R. B.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, Rai Bahadur Manmatha Nath.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Ormond, Mr. E. C.
Philip, Mr. J. Y.
Philpot, Mr. H. C. V.
Prentice, Mr. W. D. R.
Rose, Mr. D. F.
Sinha, the Hon'ble Raja Bahadur Bhupendra Narayan.
Stapleton, Mr. H. E.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 45 and the Noes 30 the following motion was carried:—

"This Council recommends to the Government that all the ministerial officers and typists of the Bengal Secretariat be given a house allowance, with effect from the 1st April, 1929, calculated at the rate of 20 per cent. of the pay of the lower division assistants and typists and 8 per cent. of the pay of the upper division assistants."

Mr. PRESIDENT: The decision on this resolution wipes out the similar resolution standing in the name of Srijut Nagendra Nath Sen (item No. 41 of the List).

4 p.m.

Effect given to resolution regarding lino-operators carried in Council.

Babu KHAGENDRA NATH GANGULY: Sir, I have been requested by Mr. Subhas Chandra Bose to move the resolution standing in his name, and I want your permission for that purpose.

Mr. PRESIDENT: Yes, you have my permission to move it.

Babu KHAGENDRA NATH GANGULY: Sir, I beg to move that this Council recommends to the Government that immediate effect be given to the resolutions passed by this Council on the 10th February, 1928, and 18th August, 1928, respectively, urging the abolition of piece system amongst the lino-operators and the appointment of a committee of officials and non-officials for inquiring into the grievances of the Bengal Government Press, Jail and Forms Press, and the Settlement Presses in Bengal.

Sir, the resolution that I intend to move in this House raises wider issues than what affect the press workers under the Government of Bengal, viz., whether the resolutions passed in this House would merely be confined within the proceedings of this House or whether they are to be carried out by the Executive as considered decisions. It is generally accepted that the Government, which is the largest employer of labour, should also be an example to all other employers in the treatment it accords to the workers. It is, indeed, an irony of fate that in a country where the apologists of the irresponsible bureaucracy justify the continued maintenance of its irresponsible character on the ground that an alien ruling class is alone capable of taking a detached view and protecting the masses from the designing manœuvres of the intelligentsia, the workers under the Government should be treated in a way calling for the severest condemnation from all sections of the people. The latter point referred to in this motion is about the appointment of a committee to inquire into the conditions under which persons employed in the different presses under the Government of Bengal work. Why do the Government fight shy of an inquiry? Of late, it has been the fashion of a section of the Press, of the employers, and of some of the highest officials to make our flesh creep with accounts of "Red" activities, revolutions that may be engineered from Moscow, and strikes, fomented not with a view to improve the economic condition of the workers but with a view to demolish the social structure. All these things have been trotted out so often that even the solemnity with which they have been placed before the public has been unable to convince it of the impending disaster

with which society is threatened. The public at the same time has not been slow to notice that all these efforts to scare us out of our wits have not been attended with any earnest desire to trace the evil to its source or to ascertain the real causes which have led to the present industrial unrest. The failure on the part of Government to give prompt effect to the resolution for an inquiry into the conditions of its press workers can lead to one conclusion—inevitable and obvious—viz., that the inquiry may bring to light facts which might be awkward and difficult to explain away. It may reveal, for instance, that the answers which the Hon'ble Member-in-charge has given from time to time to interpellations on the matter of press workers, as supplied to him by the very agency most interested in the suppression of truth, has not always tallied with hard and inexorable facts. It may reveal, for instance, that valuable press machinery has been imported only to be stocked in the lumber-room, and sometimes to be disposed of at less than half the price. It may reveal, for instance, that while the supervising staff has been numerically strengthened during the last fifteen years and their salaries have been considerably increased, the actual output of work has considerably decreased; whereas the number of workers has been drastically reduced and those that remain have had their earnings reduced. It may reveal, for instance, that favouritism and nepotism have been rampant and that while efficiency has been shelved, subservience and similar other attributes have been amply rewarded. It may reveal, for instance, that a considerable sum of public money has not been properly accounted for, while those who are ultimately responsible for efficient supervision have been promoted—the ends of justice being met by punishing some petty officers. It may also reveal, for instance, how workers afflicted with lead-poisoning find it extremely difficult, if not impossible, to get compensation as provided for under the Workmen's Compensation Act. I could enumerate various items to give the House an idea of the character of the revelations that may follow a real and sifting inquiry into the conditions of the workers in a department of Government, the importance and utility of which in the conduct of their business cannot be overestimated. It has been announced that a Royal Commission would be appointed to go into industrial grievances. It would be premature to anticipate whether the terms of reference or its personnel will make it necessary that it should be boycotted. But it is evident from the number of resolutions tabled in this House, as well as in the Assembly, for committees to inquire into the condition of workers—railway workers and press workers—that there is a strong public feeling against the glib talks about communist activities and reluctance to face facts. The Indian public wants to know how the professed trustees of the masses—I refer to the Government—treat their workers, and how far that treatment can be held out as an example to private employers

having far less resources and advantages that the State naturally has. When I say this, I do not forget the famous saying of an official that the Government is not a philanthropic concern, but is run on business lines. But while the taxpayer naturally wishes that his hard-earned money should be economically and efficiently used, he certainly does not intend that all the philanthropy should be reserved for the favoured few, while the relentless system of exploitation should be the "business-like" principle, to be applicable to the poor, hard-working many—who are ill-housed, ill-fed, ill-educated, and who cannot even get themselves properly treated when ill.

Regarding the first part of the resolution, which recommends that the lino-operators should be placed on a salaried basis, I need take even less time than I took in explaining to the House the necessity of giving effect to the second. But before I do it, I should like to invite the attention of the House to a curious lack of uniformity in the conditions of employment of the press workers under the various departments of this Government as well as of the Central Government, though their place of work and the nature of work may be the same. The Government of India Press at Hastings Street, the East Indian Railway Presses at Fairlie Place and at Howrah, the Eastern Bengal Press at Sealdah, and, last but not the least, the Bengal Government Press, the Jail and Forms Press at Alipore, and the Settlement Presses in the mufassal, reveal differences to an extent which would have been justifiable if the workers lived and worked as far apart as Honolulu or Lapland and the nature of their work equally different. The lino-operators in the Bengal Government Press enjoy the unique, though not enviable, privilege of working under piece system, while their prototypes in other presses, Government or private, are all salaried hands. The very nature of their work is such that it makes them dependent on several factors over which they have no control, e.g., the failure of gas or electricity, the time that the mechanist may take to repair a machine which suddenly goes out of order, etc. Repeated representations have been made to the authorities for placing these men on a salaried basis, but to no effect. There is another peculiar feature incidental to the nature of their work, which enlists sympathy on their behalf. The constant heat amidst which they have to work affects their health and disables them earlier than the workers in other departments. Now, the piece system presents a peculiar contrast to the salaried system in this that while the longer the period of service under the latter system the larger is the salary expected, whereas in the piece system the earning is in inverse ratio to the growing age of the worker, because while he gains in skill and efficiency he loses in physical strength and energy as he advances in years. A lino-worker, therefore, who ages fast, begins to find his earnings considerably reduced, even when he has hardly passed the prime of his life. I

challenge the Government to give me a single instance where a lino-operator has lived up to such an age in their service as to enjoy pension, which is allowed to the permanent piece workers, even on the unfair basis of his earnings during the last six years—a period when he earns the least. I need not reproduce here the various defects of the piece system as it obtains in this country under the Government, as opposed to what prevails in Europe and America. They have been discussed in this House as well as elsewhere more than once. I need only point out the peculiar disadvantages under which lino-operators labour, over and above those which are incidental to the system itself.

In conclusion, I appeal to the House to vindicate its own dignity by passing this resolution which is to let the Government perceive that we do not consider that our duties end with merely passing resolutions, but to see that they are given effect to. The case for the workers affected is irresistible, and immediate measures should be taken on the lines suggested by the House in its previous resolutions. With these remarks, I commend my resolution to the acceptance of the House.

Mr. W. L. TRAVERS: Sir, some years ago a committee was appointed to inquire into the grievances of workers in the Government Press, Bengal, and I happened to be a member of that committee, together with three or four other members of this Council. Now, Sir, in the initiative, we looked upon this inquiry with a good deal of sympathy, because when we went to the Press—as we did several times—we found that, speaking generally, the workers looked as though they worked too hard and had insufficient relaxation. We made a very careful inquiry; we listened to the case of the workers which was put before us by Mr. K. C. Ray Chaudhuri, who was also a member of that committee, and we came to the conclusion that the workers had a number of legitimate grievances. Now, Sir, when I say legitimate grievances I mean that there were a number of things which the employees might in all justice and fairness ask to be put right. We submitted our report with a considerable number of proposals and recommendations. I do not know whether the hon'ble mover has read our report, nor do I know whether all the proposals have been given effect to. But, Sir, I think that if all our proposals were accepted, the men who are now employed in the Alipore Press would not have any real cause for complaint, unless conditions have altered considerably since the time we submitted our report. There was one thing, besides those grievances which we tried to have righted, which struck me very much, and that was that in connection with the employment of these men there were endless opportunities for the starting of co-operative societies. In my opinion, co-operative societies would help these men in many directions. If I myself lived in Calcutta, I would have attempted to bring some societies into operation, and I would now put this suggestion forward for the benefit of those who wish

to help the operatives of the Press. They should try to get into operation, first of all, a co-operative shop. I think that such a shop would supply many necessities to these men and would keep them out of the hands of the money-lender.

Sir, there is one point in this resolution to which I take great objection, and that is the proposal for the abolition of the piece-work system. The committee went into this system very thoroughly and carefully. It is a matter which I have studied in regard to labour conditions all over the world. Now, Sir, piece work has this great advantage; it allows the good, smart and clever worker to earn wages in proportion to his skill and if you abolish this piece-work system you bring the whole thing down to the slow and slovenly worker and I do not think that would be fair at all.

4-15 p.m.

The Hon'ble Mr. A. MARR: I shall not take up much of the time of the House in discussing this matter because it has already been discussed *ad nauseam*. I take the second point first—this question of a committee. The hon'ble mover seems to think that we are fighting shy of a committee. Mr. Travers pointed out that a committee was appointed in 1926 of which he was a member, as well as Mr. K. C. Ray Chaudhuri. The committee was presided over by Mr. McAlpin; it went into the grievances of the press employees and also into every question that was put before them and finally made a report—an excellent report. They made 11 recommendations and I am rather surprised that Mr. Travers does not know what happened to those recommendations.

Mr. W. L. TRAVERS: I was never informed.

The Hon'ble Mr. A. MARR: In August last (I thought that while Mr. Travers was on leave he would have had the curiosity to read the reports of the discussions in this House) I pointed out, and I do not think I need go into them in detail now, that 9 out of those 11 recommendations were accepted as they stood and were given effect to at once. One of the recommendations, namely, that a Works Committee should be established, was not given effect to and the last of the eleven recommendations to the effect that a suitable provident fund for future employees be started, we were prepared to give effect to at once, but are awaiting the results of the inquiries of the Government of India who are trying to frame rules for a provident fund for the employees of their presses. As soon as we get those rules we shall adopt them. So out of the 11 recommendations of that committee we shall have given effect to 10. That shows how shy we are of committees.

As regards the first part of the resolution—the abolition of the piece system—the question has been discussed several times in this House and I have nothing to add. Mr. Travers has explained that he went

into the matter and that he is strongly against the abolition of the piece system. That is the conclusion that we have all come to. I do not know if the hon'ble mover has ever been to our press; I ask him. [Babu KHAGENDRA NATH GANGULY: No.] I repeat my challenge, a challenge I made before, and say that the Government of Bengal Press is not only the best press in Calcutta but is the best press on this side of India. I would invite him and I am prepared to take any member of this Council at any time they like round our press.

Babu KHAGENDRA NATH GANGULY: I am sorry that the Hon'ble Member for Government did not see his way to accept the resolution. I am not speaking of the recommendations of the Inquiry Committee of 1926 but I am here indicating the policy embodied in the two resolutions passed by this Council on the 10th February, 1928, and 18th August, 1928. About that the Hon'ble Mr. Marr has said nothing. He has only spoken of the recommendations of the Committee and how many recommendations of that Committee have been given effect to. I am not dealing with that; that is a matter of the past. What I am asking is that something must be done to vindicate that policy by giving effect to the resolutions passed by this House in February and August last.

The Hon'ble Mr. A. MARR: I have nothing further to say but I may add for the information of the House that the Government have very carefully considered the resolutions to which Mr. Ganguly has referred and that they do not see their way to give effect to them.

The motion of Babu Khagendra Nath Ganguly was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prometha Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. Subhas Chandra.
Chakraburtty, Babu Jatindra Nath.
Chakravarti, Babu Jogindra Chandra.
Chatterjee, Srijut Bijay Kumar.
Das Gupta, Dr. J. M.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Hussain, Khan Bahadur Maulvi Syed Maqbul.
Hussain, Maulvi Latafat.
Karim, Maulvi Abdul.
Khan, Babu Bahadra Lal.
Maiti, Babu Mahendra Nath.
Mitter, Rai Bahadur Manmatha Nath.
Maitra, Srijut Jogendra Nath.
Mukerjea, Srijut Tarakanath.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Ray Chaudhuri, Mr. K. C.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Bijoy Prasad Singh.
Ray, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarkar, Babu Nalinirenjan.
Sattar, Khan Sahib Abdus.
Sattar, Mr. Abdool Razak Hajee Abdool.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Suhrawardy, Mr. H. S.

NOES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Gilchrist, Mr. R. N.
Hogg, Mr. G. P.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Jenkins, Dr. W. A.
Laird, Mr. R. B.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. H.
Ormond, Mr. E. C.
Philip, Mr. J. Y.
Philpot, Mr. H. C. V.
Prentice, Mr. W. D. R.
Rose, Mr. G. F.
Sarkar, Rai Sahib Nobati Mohan.
Sinha, the Hon'ble Raja Bahadur Bhupendra Narayan.
Stapleton, Mr. H. E.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 45 and the Noes 30 the following motion was carried:—

"This Council recommends to the Government that immediate effect be given to the resolutions passed by this Council on the 10th February, 1928, and 18th August, 1928, respectively, urging the abolition of piece system amongst the lino-operators and the appointment of a committee of officials and non-officials for inquiring into the grievances of the Bengal Government Press, Jail and Forms Press and the Settlement Presses in Bengal."

Mr. PRESIDENT: The decision on this resolution wipes out similar resolutions standing in the names of Mr. K. C. Ray Chaudhuri, Mr. M. Ashraf Ali Khan Chaudhuri, Babu Akhil Chandra Datta, Srijut Bijay Kumar Chatterjee, Babu Khagendra Nath Ganguly and Mr. P. C. Basu (items Nos. 17, 33, 34, 58, 60 and 72 of the List).

[At 4-30 p.m. the Council was adjourned and it reassembled at 4-45 p.m.]

Realisation of excess fares charged by certain steamer companies.

Babu AMARENDRA NATH GHOSE: I beg to move that this Council recommends to the Government that necessary action be taken for recovering the total additional amounts paid to Government officers by Government as travelling allowance owing to the excess charge in fares realised by the India General Navigation and Railway and Rivers Steam Navigation Companies between Khulna and Barisal, *via* Gabkhan Bharani Khal, since the opening of the route in spite of the reduced mileage.

He spoke in Bengali in support of his motion.

Dr. KUMUD SANKAR RAY: Sir, I had no intention of speaking on this resolution after the very able and lucid speech of Babu Amarendra Nath Ghose had it not been for the fact that I have also given notice of a similar resolution. We have heard a great deal how for want of funds Government cannot spend money on charitable and other good causes, and this is quite evident from the fact that among the many resolutions which have been tabled for discussion, there are several asking for money for nation-building work. If the Government had been genuine in their declaration that they were unable to come to the help of the nation-building departments because of the fact that they were short of funds, we would have seen some change—at least at the present moment when Mr. Marr is in charge of the Finance Department—in the attitude of Government, especially with regard to this matter. Here is a case where for several years private companies, either willingly or unwillingly, have been charging extra fares to which they were not entitled. Government servants, from whom extra fares have been taken, are entitled to a refund. I do not believe that even if Mr. Marr will say it that Government are not able to protect their own servants, and from the conciliatory attitude shown by Mr. Philip yesterday, I have not the slightest doubt that Government will not have to take recourse to law courts for the recovery of the money. I do not want to say that the company have knowingly defrauded the public by charging excess fares for short mileage. The Hon'ble Mr. Marr has declared before another inquiry commission that he does not care where the money comes from as long as he gets it. If Mr. Marr is sincere in his declaration, he should do everything in his power to recover this money from the steamer company, and I have also no doubt that Mr. Philip and other gentlemen connected with the steamer company will show the same conciliatory attitude as they did yesterday by disgorging the money and adding a further amount to it as compensation, and come to the rescue of the nation-building departments, which have been kept waiting for want of funds.

Srijut NAGENDRA NATH SEN: I only wish to correct an error which has been committed by Babu Amarendra Nath Ghose. He seems to think that Government and the steamer companies are two different bodies. There he is absolutely mistaken. A man can starve himself but not his children. The steamer companies are the adopted children of the Government; so Government would rather starve themselves—the nation-building departments—than starve the steamer companies. I do not expect that the Hon'ble Mr. Marr, who is in charge both of the Finance Department and the Marine Department, will raise his little finger in order to recover something which has been illegally taken by the steamer companies. The attitude taken up by Mr. Philip was a very conciliatory one, and the best thanks

of the Council are due to him. We hope Mr. Philip will be pleased to see that there is a re-adjustment of fares and that no excess fare is charged over lines under his control; and that the Government representative, the Hon'ble Mr. Marr, will bring it home to the steamer companies that their demands should be in conformity with the standard laid down and not arbitrarily fixed. We further hope that although some illegal exactions have been made in the past, no such things will occur in the future.

Mr. J. Y. PHILIP: Mr. President, Sir, I wish to make only a few remarks on this resolution from the steamer companies point of view. Yesterday I had occasion to say something about fares and to-day I wish to repeat only one of the remarks that I made yesterday on that subject. "The steamer companies do not undertake to carry passengers from one point to another at so much per mile." Much has been said, Sir, and much has been written about the Gabkhan Barhani Khal route. Let me explain briefly the position with regard to this route. Prior to 1918 steamers plying between Khulna and Barisal used the route *via* Angeria Creek. This river was considered dangerous for shipping on account of the meeting of the tides and very sharp bends, and Government, therefore, decided to re-excavate and improve the Barhani Khal and from the time the latter route was opened the Angeria Creek route was abandoned. The opening of the Barhani Khal route made a reduction of six miles in the voyage from Khulna to Barisal, but, at the time, the steamer companies made no corresponding reduction in their fares, there being no guarantee that the shorter route would continue to be available and that the longer route might not have to be again reverted to. Early in 1926, however, the whole position was reviewed with the result that revised fares were introduced. The investigation then made revealed the fact that, from figures supplied by the District Engineer, the recognised authority on the subject, the distance between Khulna and Barisal *via* the shorter route was the same as the distance on which fares were based over the longer route. This proves that prior to 1918 the steamer companies had actually, on all tickets issued from Khulna to Barisal, and *vice versa*, charged lower fares than they were entitled to. It also proves that, even were we to admit the arguments used by my friends opposite, between 1918 and 1926, there was no over-charge as alleged by the mover of this resolution. With regard to intermediate stations, the District Engineer's figures revealed several anomalies, some in favour of the passenger and some in favour of the steamer companies.

5 p.m.

These anomalies were at once removed and although alterations have probably occurred in some of the mileages since 1926 due to

river changes, the present fares are considered suitable and as uniform as can be expected under the circumstances. It is true that in November 1926 a suit was instituted against the steamer companies at Barisal for an alleged over-charge on a second class ticket from Hularhat to Barisal, but as the amount in dispute was 10 annas 4 pies only, the steamer companies allowed it to go undefended. I hope, Sir, I have proved that no excess fares have been charged either to Government officers or the general public, but before I sit down I wish to quote a case, one of many, to show that the public frequently benefit at the expense of the steamer companies. Steamers plying between Barisal and Bhola have frequently, owing to shoal water, to add 13 miles to their voyage in order to reach their destination by another route. For that extra 13 miles passengers are carried free. With these few remarks, Sir, I beg to oppose this resolution.

The Hon'ble Mr. A. MARR: Mr. President, Sir, the mover of this resolution, so far as I could understand him was trying to explain away the wording of the resolution to a certain extent, but I am bound by the resolution as it stands. I consider it one of the most remarkable resolutions that have been brought since I have been a member of this Council. Government are asked to recover the total additional amounts paid to Government officers by Government as travelling allowance owing to the excess charge in fares realised by the India General Navigation and Railway, etc., etc., I am not concerned whether the fare is too high or too low. I am concerned here as to whether the Government officers, who drew these fares in travelling allowance bills, actually paid them and whether they charged them and no more in their travelling allowance bills. In the discussion this afternoon there has been a hint that Government might sue the steamer companies for these sums in the civil court. I wonder whether Mr. Gupta would pledge his professional reputation that Government would have any *locus standi* in such a suit. If the resolution is passed by this House and if Government accepted it, Government would have to go through all the travelling allowance bills of their officers, high and low, and cut the corresponding amounts out. I do not think any one in this House intends to suggest that these officers did not pay the fares or that they recovered too much; I think every one will admit these facts. In spite of that I am being asked to recover certain amounts from them leaving it to them to find the money elsewhere. In the first place, I have no power to cut these travelling allowance bills for expenses which have been legitimately incurred under the rules. In the second place, even if I had the power, I would never dream of cutting the bills of these officers of Government for sums which they have actually paid.

Mr. JOGESH CHANDRA GUPTA: The Hon'ble Mr. Marr has been pleased to——

The Hon'ble Mr. A. MARR: On a point of order, Sir. Is he in order? Is he entitled to speak now?

Mr. PRESIDENT: Mr. Gupta, you cannot speak after the Hon'ble Member has spoken on the resolution, but you can rise on a personal explanation, and in that case you must be brief and to the point.

Mr. JOGESH CHANDRA GUPTA: Yes, by way of personal explanation. As regards the invitation to pledge my professional advice with regard to this matter I propose to say a few words. Am I in order?

Mr. PRESIDENT: Yes.

Mr. JOGESH CHANDRA GUPTA: I think the Hon'ble Mr. Marr will at once agree with me, and if he takes the help of Mr. Ghose, the Legal Remembrancer, he will at once confirm that a master can recover damage done to his servant; that is the obvious proposition. If Government have paid for their servants any excess charge, then legally it is possible for them to recover it, but I would not trespass into that point, because Government have got better legal advisers and can get the opinion of the Advocate-General without paying for it.

The motion of Babu Amarendra Nath Ghose was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Atiqullah, Mr. Syed Md.
Banerjee, Babu Promotha Nath.
Biswas, Babu Surendra Nath.
Bose, Babu Bejay Krishna.
Bose, Mr. Subhas Chandra.
Chakraburtty, Babu Jatindra Nath.
Chakravarti, Babu Jogindra Chandra.
Das Gupta, Dr. J. M.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Hussain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Khan, Babu Debendra Lal.
Maiti, Babu Mahendra Nath.
Maitra, Srijut Jogendra Nath.
Pal Choudhuri, Mr. Ranjit.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Ray, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Nalinirenjan.
Sattar, Mr. Abdool Razak Hajee Abdool.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.

NOES.

Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Eddis, Mr. A. McD.
Forrester, Mr. J. Campbell.
Ghose, Mr. M. C.
Gilchrist, Mr. R. N.
Hogg, Mr. G. P.
Hosain, the Hon'ble Nawab Lusharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Jenkins, Dr. W. A.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Laird, Mr. R. B.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. H.
Ormond, Mr. E. C.
Philip, Mr. J. Y.
Philpot, Mr. H. C. V.
Prentice, Mr. W. D. R.
Sinha, the Hon'ble Raja Bahadur Bhupendra Narayan.
Stapleton, Mr. H. E.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 34 and the Noes 29, the following motion was carried:—

"This Council recommends to the Government that necessary action be taken for recovering the total additional amounts paid to Government officers by Government as travelling allowance owing to the excess charge in fares realised by the India General Navigation and Railway and Rivers Steam Navigation Companies between Khulna and Barisal, *via* Gabkhan Bharani Khal, since the opening of the route in spite of the reduced mileage."

Mr. PRESIDENT: Members should note that the decision now reached wipes out similar resolutions standing in the names of Dr. Pramathanath Banerjea, Srijut Taraknath Mukerjea, Mr. Jogesh Chandra Gupta, Mr. A. K. Fazl-ul Huq, Babu Mahendra Nath Maiti, Srijut Bijay Kumar Chatterjee, Babu Naliniranjan Sarker and Dr. Kumud Sankar Ray (items Nos. 10, 12, 13, 18, 19, 25, 38 and 49 of the List).

5-15 p.m.

Discontinuance of the practice of realising audit fees from the co-operative societies.

Maulvi SHAMSUR-RAHMAN: I beg to move that this Council recommends to the Government that the practice of realising audit fees from co-operative societies by Government be discontinued.

In moving this resolution my reasons are two and they are very simple. First, that Government has mismanaged the whole affairs and, secondly, that Government has been misappropriating a large

sum of money every year. Government has undertaken to do the audit work of the societies on a system of contract, the societies paying for the cost of this work. This system of audit by departmental officers were expected to render inestimable services to the people in finding out the defects of the societies that deal in poor people's money.

The societies are mostly financed by central banks who keep supervisors to look into the efficient working of the affiliated societies. The audit reports serve as a guide to the central banks for watching into the working of the societies as well as those of their supervisors. As such both the societies as well as the central banks ungrudgingly agreed to the levy of an audit cess. So much so that a sum of over Rs. 1,80,000 are collected from year to year. I put a question this year asking for figures of the last 12 years showing the amount of unspent balance every year of the audit cess realised. The question has not been answered as yet. If the answer had been given one would have been surprised to find that Government are misappropriating almost Rs. 40,000 out of the total cess realised every year. Audit work in the districts is entrusted to an Inspector under whom auditors are placed to carry on the audit but their number is always so insufficient that even half the societies cannot be properly audited by them in the course of the year. As such these Inspectors in order to save their skin have to request the central bank authorities to lend their supervisors to complete the audit. In order to oblige the Inspectors who sometimes render valuable services to the central banks the central bank authorities accede to their request. But the result is disastrous. These supervisors can seldom be expected to find fault with their own work, so the audit reports are absolutely unreliable and have to be treated as mere trash. The supervisors even when they are engaged in audit work are paid by the central banks but the audit fees are all the same realised from even those societies that are audited by supervisors of the central banks. As Secretary of the Khulna Central Co-operative Bank, Ltd., I refused to pay the audit fee of those of my societies that have been audited by my supervisors. But having had some discussion over the matter with the Registrar, who is rendering very valuable services to the people and also finding that some additional hands have been provided for in the last budget, I had to give way. From the annual report it will be seen that the Registrar has been demanding persistently since 1923-24 for more than double the number of extra hands. I for myself cannot understand the beauty of it for providing with a lesser number of men than that demanded by the departmental head when money is not wanting.

With these words I move my resolution.

Srijut NAGENDRA NATH SEN: Sir, I rise to support this resolution. So far as my information goes Government do not charge district boards and municipalities and it surpasses my understanding why Government charge audit fees from co-operative societies. Maulvi Shamsur-Rahman has proved that the Government is misappropriating a large sum of money every year. I want to have this stopped.

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): Mr. President, Sir, I oppose this resolution. It will be conceded on all hands that the accounts of every registered co-operative society should be audited by an independent and well-trained staff. Stability of the movement and the retention of public confidence, demand constant skilled audit. This necessity is recognised by the Co-operative Societies Act which provides for a regular audit of all societies.

The Committee on Co-operation examined this question carefully and recommended that the distribution of the cost of audit should be spread over the societies and central banks on the basis of working capital. The Government of Bengal adopted this principle and the existing rules are based on this decision.

Now, Sir, it is clear that the audit of a society's accounts affords protection primarily to the members of the society against the misconduct or incompetence of the office-bearers of the society. It is the members who benefit from this service and it is in their interest that the staff is maintained. It is only right therefore that the societies should pay for it. Every business should be able to pay for its own audit and ought to be enforced to do so. Co-operative societies are no exception to this rule.

The recommendations of the Committee on Co-operation and the practice and policy of the Government of Bengal are supported by the recommendations of the recent Royal Commission on Agriculture. The Royal Commissioners observed that statutory audit should be paid for by societies: "We do not consider that the audit of a healthy society is a proper charge on public funds." The Government of Bengal are in full agreement with this view and therefore are unable to accept this resolution.

With regard to the charges brought forward by the mover of this resolution, it is true of course that Government have at the present moment a surplus of funds collected from societies for the payment of audit staff which has not yet been employed. It is regretted that Government have not been able to make the necessary arrangements to employ the additional staff required, but it is hoped in due course to work up to the full programme. Government have already given

administrative approval to the full establishment necessary, and as soon as the arrangements can be fitted into the budget proposals of Government, effect will be given to these various schemes.

In regard to the other charges on Government that many societies have not been audited I understand that all the societies have been audited. Supervisors were brought from the central banks to help Government Inspectors who were engaged for auditing the accounts.

In reply to Mr. Sen, I am to observe that the local bodies, such as the district boards and the municipalities, are not run in a business-like way whereas these societies are run in a business-like way and require constant auditing by outside agencies.

With regard to the demand of the Registrar of the Co-operative Societies for more staff, as pointed out by the mover of the resolution, I may inform the Council that Government have already given administrative approval to an increase in the staff of co-operative auditors.

With these words I oppose this motion.

Maulvi SHAMSUR-RAHMAN: Sir, in reply all that I want to say is that the societies do not grudge paying the cess on account of audit fees, but what I insist on is that the unspent balance must be spent before any further audit fee is realised from the societies.

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: With regard to the unspent balance I do not think it would be sufficient to cover the cost of audit of even one year's account. As I have told the hon'ble mover already that we are arranging for more auditors to have the societies' accounts audited at an early date. On this assurance I hope the mover will not press for this resolution.

The motion of Maulvi Shamsur-Rahman was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Banerjee, Babu Promotha Nath.
Biswas, Babu Surendra Nath.
Bose, Babu Bejay Krishna.
Bose, Mr. Subhas Chandra.
Chakraburtty, Babu Jatindra Nath.
Chakravarti, Babu Jogindra Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Karim, Maulvi Abdul.
Khan, Babu Debendra Lal.
Khan, Maulvi Tamizuddin.
Maiti, Babu Mahendra Nath.
Pal Choudhuri, Mr. Ranjit.
Rahman, Maulvi Shamsur-.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Nalinranjan.
Sattar, Khan Sahib Abdus.
Sen, Srijut Gagendra Nath.
Sen Gupta, Mr. J. M.
Suhrawardy, Mr. H. S.

NOES.

Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Forrestar, Mr. J. Campbell.
Ghose, Mr. M. C.
Gilchrist, Mr. R. N.
Hogg, Mr. G. P.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Jenkins, Dr. W. A.
Marr, the Hon'ble Mr. A.
Mitter, Rai Bahadur Manmatha Nath.
Mitter, the Hon'ble Sir Prevash Chunder.
Moberly, the Hon'ble Mr. A. N.
Ormond, Mr. E. C
Philpot, Mr. H. C. V.
Prentice, Mr. W. D. R.
Rose, Mr. G. F.
Sarker, Rai Sahib Rebati Mohan.
Sinha, the Hon'ble Raja Bahadur Bhupendra Narayan.
Stapleton, Mr. H. E.
Tate, Major-General Cedfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 29 and the Noes 27 the following resolution was carried:—

"This Council recommends to the Government that the practice of realising audit fees from co-operative societies by Government be discontinued."

Adjournment.

The Council was then adjourned till 2-30 p.m., on Wednesday, the 13th February, 1929, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 13th February, 1929, at 2-30 p.m.

Present:

The Hon'ble the President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers, and 95 nominated and elected members.

Starred Questions

(to which oral answers were given).

Barisal Exhibition, allegation against certain police officers.

*43. **Babu SARAL KUMAR DUTT:** (*a*) Is the Hon'ble Member in charge of the Police Department aware that on the 27th January, 1929, Mr. L. H. Colson, the Superintendent of Police of Barisal, and some other European officers walked over certain young men of the town who were lying in front of the Exhibition gate in order to dissuade people from attending the Exhibition, organised by the District Magistrate and some others at Barisal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what action, if any, has been or is being proposed to be taken against the said officers?

(*c*) Is the Hon'ble Member also aware that Mr. W. Pearson, Sergeant, Bakarganj Police lines, trampled over these young men and made his dog walk over them more than once?

(*d*) If so, what action has been taken against him?

(*e*) If the answers to (*b*) and (*d*) are in the negative, will the Hon'ble Member be pleased to state the reasons therefor?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) As the Superintendent of Police desired to enter the Exhibition grounds by a pathway which was blocked by some youths who were lying on the ground and refused to make way, he walked lightly over them touching as few as possible.

(*b*) No action has been or will be taken.

(*c*) The sergeant picked his way between some prostrate young men who refused to make way for him. He did not cause his dog to walk over them.

(*d*) None.

(*e*) There is no reason why action should be taken.

Srijut RADHA GOBINDA RAY: Will the Hon'ble Member be pleased to state whether the Superintendent of Police was quite justified in what he——

Mr. PRESIDENT: That is a matter of opinion. I do not allow that.

Water hyacinth.

***44. Srijut NAGENDRA NATH SEN:** (*a*) Is the Hon'ble Minister in charge of the Department of Agriculture and Industries aware of the ravages of the water hyacinth in the Presidency and the Dacca Divisions?

(*b*) Has it been ascertained that the growth of the water hyacinth is due to defective irrigation in these tracts?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (*a*) Yes.

(*b*) There is no evidence to show that the increase in water hyacinth is due to want of irrigation; where the rivers spill freely as in Dacca, Faridpur, Bakarganj, etc., the weed is more prolific than in other parts.

Srijut NAGENDRA NATH SEN: With reference to answer (*b*) will the Hon'ble Minister be pleased to state the nature of the evidence which shows that the increase in water hyacinth is not due to want of irrigation?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: The evidence is derived from the observations of the expert Irrigation Engineers.

Mr. PRESIDENT: The member wants to know what those observations are.

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: The observations are of facts which show that the increase of water hyacinth is not due to want of irrigation.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that if water hyacinth can be drifted on to salt water, it dies?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Yes.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state that if there were irrigation facilities in the district of Bakarganj whether water hyacinth could be easily drifted on to salt water?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I suggest, Sir, that the member should refer this matter to the Hon'ble Member in charge of the Irrigation Department.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. The Hon'ble Minister has referred me to the Hon'ble Member in charge of the Irrigation Department. Is it right for him to do so?

Mr. PRESIDENT: Is it in regard to the answer given?

Mr. JOGESH CHANDRA GUPTA: Yes, with regard to the answer to the question that I put.

Mr. PRESIDENT: Mr. Gupta, I told you the other day that you have to take the answers for better or worse. Your remedy, if any, lies in supplementary questions.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to make some arrangement——

Mr. PRESIDENT: I do not allow the question, it is a request for action.

Industrial intelligence work by Industries Department.

*45. **Babu JATINDRA NATH CHAKRABURTTY:** (a) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state what action, if any, is being taken for industrial intelligence work by the Industries Department?

(*b*) Will the Hon'ble Minister be pleased to state whether there is any agency outside Calcutta, other than assistants attached to aided or Government technical schools or weaving schools acting as a liaison between the illiterate industrialist and the headquarters staff of the department?

(*c*) Are the Government considering the desirability of giving any assistance to the Industrial Engineer in the discharge of his duties in the way of an equipped workshop or in the way of giving even one assistant to collect information of any industry?

(*d*) Will the Hon'ble Minister be pleased to make a statement showing what useful purpose the Serampore Weaving Institute is serving in the matter of training of higher class students, *i.e.*, graduates or under-graduates?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (*a*) The member is referred to paragraph 48 of the Annual Administration Report for the year 1927-28 of the Department of Industries, Bengal, copy of which is placed on the Library table.

(*b*) None.

(*c*) Ample accommodation is provided at the Industrial Research Laboratory. Government have under examination a scheme in which it is proposed to give the Industrial Engineer some assistance.

(*d*) The member is referred to the objects of the Institute, details of which are given in the preface to the Rules for Admission to the Government Weaving Institute, Serampore, a copy of which is laid on the Library table. Further details will be found on pages 12 and 13 of a booklet entitled "Opportunities for an Industrial Career for young men of Bengal" published in 1928, a copy of which is also laid on the Library table.

Babu JATINDRA NATH CHAKRABURTTY: With reference to answer (*c*) will the Hon'ble Minister be pleased to state how long the scheme has been under consideration?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Only a month or two.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to tell this House who has prepared this scheme, and when?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: The Industrial Engineer.

Mr. JOGESH CHANDRA GUPTA: Is it a fact that the Industrial Engineer submitted a scheme for assistance to some of the industries within three months of his appointment?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Yes.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether "within three months of his appointment" is the same as "only a month or two"?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I want fresh notice.

Unstarred Question

(answer to which was laid on the table).

Recruitment of lower division assistants in Private Secretary to Governor's and Military Secretary to Governor's offices.

43. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that the lower division assistants of the offices of—

(*i*) the Private Secretary to Governor,

(*ii*) the Military Secretary to Governor

draw the same rate of time-scale pay as drawn by the lower division assistants of the Bengal Secretariat?

(*b*) Is it a fact that all the lower division assistants of the Bengal Secretariat are recruited by an open competitive examination?

(*c*) Is it a fact that the lower division assistants of the offices of the Private Secretary and the Military Secretary to the Governor are not so recruited?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons of the differential treatment accorded to the latter?

(*e*) Are the Government considering the desirability of introducing the Secretariat clerical examinations for the recruitment of lower division assistants for the offices of the Private Secretary and Military Secretary to Governor?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) Because the rules applicable to appointments in the clerical service of the Secretariat have not been made applicable to appointments in Private Secretary to Governor's and Military Secretary to Governor's offices.

(*e*) No.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state with reference to answer (*d*), whether there are separate rules for the recruitment of lower division assistants for the offices of the Military Secretary and Private Secretary to His Excellency the Governor?

The Hon'ble Mr. A. N. MOBERLY: There are no rules.

(Kazi Emdadul Hoque having failed to resume his seat after his first question).

Mr. PRESIDENT: Kazi Sahib, I should point out that after each question you have to resume your seat and wait for an answer. You may rise again if you want to put another question after the previous one has been disposed of.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state why the rules applicable to the Secretariat clerical service are not applicable in the case of recruitment in the offices of the Private Secretary and Military Secretary to His Excellency the Governor?

The Hon'ble Mr. A. N. MOBERLY: The question of making them applicable to those offices has not so far been considered.

RESOLUTIONS

(on matters of general public interest).

Constitution of the governing body of the State Medical Faculty of Bengal.

Dr. KUMUD SANKAR RAY: Sir, may I have your permission to move the resolution which stands in the name of Mr. Kiran Sankar Roy? I may mention that I have a similar resolution standing in my name.

Mr. PRESIDENT: Yes, you have my permission to move it.

Dr. KUMUD SANKAR RAY: I beg to move that this Council recommends to the Government that the constitution of the governing body of the State Medical Faculty of Bengal be formed as follows:—

(*a*) one representative to be elected by the Senate of the Calcutta University;

(*b*) one representative from each of the medical institutions affiliated to the Calcutta University or any other University in Bengal;

(*c*) one member to be nominated by the local Government,

(*d*) three non-official members to be nominated by the Bengal Council of Medical Registration from registered practitioners of not less than ten years' standing of which not more than one is to be nominated from amongst themselves;

(*e*) three members to be elected from the teaching staff (including Professors, Assistant Professors and Lecturers, Demonstrators and Clinical Lecturers) by rotation from each non-official institution recognised by the Council of Medical Registration as eligible to train and send up students for their licentiateship or membership examination of the State Medical Faculty of Bengal;

(*f*) three members to be elected from the teaching staff (including Professors, Assistant Professors, Lecturers, Demonstrators and Clinical Lecturers) by rotation from each of the Government institutions recognised by the Council of Medical Registration as eligible to train and send up students for the Licentiateship or membership examination of the State Medical Faculty of Bengal;

(*g*) three members to be elected by the registered practitioners of ten years' standing—

(*i*) one from the British qualified practitioners of ten years' standing;

(*ii*) one from M.B.'s. and L.M.S.'s. of the Calcutta University of ten years' standing; and

(*iii*) one from L.M.F.'s. of State Medical Faculty of Bengal of ten years' standing; and

(*h*) the President is to be elected by the Governing Body from amongst their own members."

Sir, the time is long overdue for a revision of the constitution of the State Medical Faculty of Bengal. The Faculty was instituted

on the 11th of August in 1914, just a week after the great European War was declared, and naturally the mentality which prevailed at that time gave a sort of official character to the constitution. But, even at that time it was stated by Government in the resolution by which the State Medical Faculty was instituted that in view of the fact that another body, namely, the Council of Medical Registration, which was instituted in April, 1914, and which had an elective element on it, was given the power of inspecting the medical institutions which applied for recognition, it was not desirable that the State Medical Faculty should have any powers of inspection. It cannot be denied that this fact was admitted by Government in 1914. Now, instead of any progress being made towards a further realisation of self-government in the medical profession, of which the Bengal Medical Act of 1914 constituted the first stage, as stated by Sir Hugh Stephenson, who was then the Member in charge of this subject, we find that a retrograde step has been taken in the matter, namely, that the power of inspecting schools, which was purposely left to the Council of Medical Registration, which has a large elective element on it, has been trenched upon by a resolution of Government on the subject only last year. When we are hearing so much about a further step towards self-government in the political sphere, of a further boon to be granted by the Simon Commission, it is strange that Government should have, by a resolution, taken away this power of inspecting medical schools from the Council and given it to the State Medical Faculty, an entirely nominated body.

Sir, although the higher medical education, *i.e.*, the University degrees of M.B., etc., as well as higher education in general are under the control of an elected popular Minister, the popular Minister being in charge of the Universities, University medical education is a transferred subject. Government have tightened the rope, the official rope, round the lower standard of medical education, which is imparted by the medical schools in the different parts of the province, by enlarging the powers of the entirely officialised State Medical Faculty of Bengal. It is, therefore, quite plain that if the real intention of Government is to introduce further reforms in the country, they ought not to hesitate to begin with the medical profession, because the medical profession is a highly qualified body and the members of the profession can certainly be expected to look after themselves as well as the medical needs of the country.

Sir, this matter was discussed at great length by the All-India Medical Conference, which was held in Calcutta during the last Christmas week and which was presided over by Dr. Deshmukh, the Mayor-President of the Bombay Municipality, and to which conference more than 1,200 delegates from all over India and Burma attended. The Conference was emphatically of opinion that the

official element on the State Medical Faculty should be reduced to a minimum, and that the constitution of the governing body should be largely elective. Dr. J. N. Moitra, who supported this resolution in the Medical Conference, said that when he was a member of this Council some six years ago—I think it was in 1922—he moved a resolution in this Council asking the Government to introduce an elective element into the constitution of the State Medical Faculty of Bengal. Sir Surendranath Banerjea, the then Minister in charge of the Medical portfolio, replied on behalf of Government requesting the mover of the resolution to withdraw it and assuring him that he would do his best to introduce the reform desired by the mover. It was on that assurance that Dr. Moitra withdrew his resolution. But we find that instead of doing anything towards introducing the elective element in the State Medical Faculty of Bengal, Government are further encroaching upon the rights, liberties and privileges which have been so long enjoyed by the Council of Medical Registration and the State Faculty of Medicine is now placed under the reserved side. Although Government themselves intended in 1914, when the State Medical Faculty was first instituted, that there should be no encroachment on the rights and privileges of the Council of Medical Registration.

With these preliminary remarks regarding the history of the State Medical Faculty, I should now like to examine the form in which the governing body of the State Medical Faculty is proposed to be reconstituted by me. I shall, however, not go into the details. The main principle that has been introduced by me is that the governing body should have on it representatives of the different medical schools both official and non-official because they are the proper persons to decide what the standard of medical education imparted in the various medical schools should be, and also what kind of examiners should be appointed, because the main functions of the State Medical Faculty of Bengal are the determination of the course of study—the curriculum—in the medical schools and the appointment of examiners for the purpose of examining the students who are sent out from the schools. These being the primary functions of the State Medical Faculty it is imperative, as it is only natural, that the teaching staff of the different schools should be represented on the governing body of the Faculty. And, I submit, Sir, that I have tried to attain this object by the different clauses of the resolution.

The next new feature that I propose to introduce is that three representatives from amongst the registered medical practitioners of 10 years' standing, should also be elected to the governing body of the State Medical Faculty. It might be asked "What has the general practitioner to do with medical education and with the conducting of examinations?" I submit, Sir, that this is a wrong view to

take of the ability and experience of the registered practitioner, especially when you find that I have limited the franchise only to practitioners of 10 years' standing, *i.e.*, to those who have gained sufficient experience by private practice of the difficulties encountered in it, and of rendering medical aid in the province. It is quite one thing to impart medical education to students in an academic atmosphere, in an atmosphere of laboratories and lecture rooms, but it is quite another thing to train students in the science of medicine and equip them with the correct mentality of a doctor, the faculty of observation and the other qualities which are required for the success of a medical practitioner in general practice. It is, therefore, only fair that there should be some representatives of the medical practitioners on the governing body of the Faculty.

Sir, the last innovation that I propose to introduce is that the president of the governing body should be elected by the members themselves. This is one of the sore points which the Government stoutly opposed, when a similar clause was proposed to be introduced in the amending Act which was before this Council only a few months ago.

Lastly, I appeal to you, Sir, who is an elected member of the Council, and is the custodian of the rights and privileges of all elected members of this House, that if, on account of the stout opposition of Government to this resolution, there is a tie in the voting, not to have it thrown out by giving your casting vote on the side of Government. With this final appeal, Sir, I commend my resolution to the acceptance of the House.

The Hon'ble Mr. A. N. MOBERLY: Sir, the Council of Medical Registration exercises general supervision over the interests of the medical profession, and takes cognizance of unprofessional conduct on the part of medical men. It is, therefore, reasonable that independent medical practitioners should be represented on the Council to discharge the duties of jurymen, so to speak, and that the Council should be, to a large extent, constituted by election. One of the functions of the Council of Medical Registration is undoubtedly inspection, and in order to strengthen its hands in that direction, a clause was inserted in the Bengal Medical (Amendment) Bill which came up for discussion before the Council last year and which has now been passed into law. The State Medical Faculty, on the other hand, is a purely examining body whose duty is to certify to the qualifications of students who are unable to attain to the high standard required for the M.B. degree. The governing body has hitherto been entirely nominated so that the diplomas and licences which it

issues should have the weight of Government authority. If its constitution were popularised, pressure might be brought upon it to lower the standard of medical education. Further, I maintain, there is no need, as there is in the case of the Council of Medical Registration, for the representation of practitioners other than teachers, or for the representation of members of other bodies, and to include such persons would merely tend to make the Faculty unwieldy without adding to its efficiency. As far as I understood the mover of the resolution, his opinion was that students had much to learn from general medical practitioners. If so, the general medical practitioner should come in as a teacher in the schools and not in a backhanded sort of way, *viz.*, by election by the Council of Medical Registration.

The State Medical Faculty is not a statutory body and Government consider, for the reasons which I have already given, that they should retain the power of nomination and of appointing the president. Whilst they consider that their hands should be unfettered, they will be prepared to examine the propriety of providing for the representation on the governing body of all medical institutions recognised by the Council of Medical Registration. If this is done, the proposals of the mover in clauses (*b*), (*e*) and (*f*) of the resolution would, to a large extent, be met. Government are however, not prepared to accept the proposals contained in clauses (*a*), (*c*), (*d*) and (*g*). I have already given the reasons for objecting to the proposals contained in these clauses, and if the mover is not prepared to withdraw his resolution on the assurance which I have given, as to the willingness of Government to examine the question of a wider representation of medical institutions on the governing body of the State Medical Faculty, I am afraid I must oppose it.

Dr. KUMUD SANKAR RAY: May I know, Sir, again, what clauses of the resolution the Hon'ble Mr. Moberly is prepared to accept?

The Hon'ble Mr. A. N. MOBERLY: I am not prepared to accept any clause, as it stands. What I am prepared to do is to examine the question of representation by nomination of all institutions which have been recognised by the Council of Medical Registration.

Dr. BIDHAN CHANDRA ROY: Sir, I am not surprised that the Hon'ble Mr. Moberly should trot out stale arguments in favour of continuing the present policy of Government by which the State Medical Faculty of Bengal was constituted a nominated body in 1914. Perhaps, I am inclined to excuse him because he is a layman. His arguments are that Government cannot take any outside medical practitioners

because it might lower the standard of the examinations, etc. He says that he objects to the first clause of Dr. Kumud Sankar Ray's motion, namely, that one representative should be elected by the Senate of the Calcutta University. I am surprised to find that a gentleman of his eminence should have said that a representative of the Senate of the Calcutta University on the State Medical Faculty of Bengal would mean the lowering of the standard of the examinations conducted by that Faculty. Then he says outside practitioners should not come in at all on the Faculty. Does he know that in the Medical Faculty of the Calcutta University, which has now got 18 members, of it two are elected by the members of the Faculty from among the medical profession, not necessarily connected with any college or school and two are elected by the registered graduates from among the members of the profession? The Calcutta University since its foundation in 1857 onwards has accepted the principle of admitting outside practitioners into the highest medical faculty in Bengal, I mean, the Medical Faculty of the Calcutta University. I challenge the Hon'ble Mr. Moberly to show that by admitting outside practitioners to the governing body of the State Medical Faculty of Bengal the standard of medical education in this province will be lowered. If you take the percentage, Sir, the number of medical practitioners to the total strength of the Faculty comes to about 1/4th or 1/5th of the number. Dr. Ray's resolution proposes that three members of the profession out of a group of 12 or 13 shall be elected from among the registered medical practitioners, which means a proportion of ¼ of the total number; I say that Mr. Moberly's second argument falls to the ground.

Then, Sir, the Hon'ble Member has passed over the most important proposition which is before the Council to-day. The State Medical Faculty has now taken up new functions. Last year clause 7 of the original resolution was altered. The original clause 7 reads thus—

"Only students who undergo a course of study in medical science in Government medical schools or colleges, or in schools or colleges which have been recognised in this behalf by the Council of Medical Registration, shall be allowed to present themselves for examination for membership and licentiateship of the Faculty, etc., etc."

The proviso to this clause has been changed in this way:

"Provided that if the courses of training imparted by a particular school or college materially differs from the courses detailed in the schedule, the suitability of the courses taken by the candidate from such a school or college for the Primary and Intermediate examinations shall be decided by the governing body of the State Medical Faculty."

As I pointed out, Sir, during the discussion on the amending Bill last year, this is a clear encroachment on the duties and functions of

the Bengal Council of Medical Registration. It is, of course, open to any examining body to say that it is not satisfied with the courses of study or with the certificate granted by the head of a particular school or college which has been recognised for the purpose by the Bengal Council of Registration and refuse to admit the boys of these schools to their examinations. All that the examining body can say is that it refuses to recognise such courses of study, etc., for the purpose of admission to examinations and not that it wants to find out what a particular institution is doing, and in what way the courses of training imparted by the particular school or college differs from the courses mentioned in the schedule. And how do you find out the courses of training? It is only by enquiring about the number of lectures given in a particular school or college and so forth. It may be necessary even to find out the fees paid by the students in those schools and colleges. If this procedure is to be followed by the State Medical Faculty then I submit, Sir, that the time has come when you ought to popularise the State Medical Faculty and put it on an elective basis. The original resolution of the 11th August, 1914, clearly states that "it is undesirable that the functions of this Council (the Council of Medical Registration), which is largely elective, and is the first step towards self-government in the profession, should be trenched upon by any other body, and the responsibilities of the State Medical Faculty will therefore be confined to arranging for the examination of students from colleges and schools which have been approved for this purpose by the Council of Medical Registration." Mark the words, Sir, "to arrange for the examination of students from colleges and schools which have been approved for this purpose by the Council of Medical Registration." There is no mention there that they should also go further and find out whether that particular school or college is giving a particular course of lectures or imparting such instruction as conforms to the subjects mentioned in the schedule. Sir, if you look into the schedule you will find that the details that are mentioned there are very vague.

3 p.m.

We find in the schedule are mentioned "Instructions in subjects such as organic chemistry, elementary physics and elementary biology." How on earth is the governing body of the State Medical Faculty going to find out whether in a particular school or college the courses of training imparted differ from those mentioned in the schedule unless it is also prepared to find out and inquire whether the teachers that are appointed to teach those subjects are suitable teachers or not, whether the number of lectures or demonstrations given to students in practical classes are conducted in such a way as to conform not to certain schemes which are mentioned in the schedule, but to

certain interpretations of the schedule which might be put on it by the governing body of the State Medical Faculty. Therefore I say, Sir, either withdraw the amending order or make the State Medical Faculty an elected body, and not a body created by an executive Act of Government.

Now I come to the next proposition. It might have been a panicky measure in 1914 and I who was in the thick of it know full well all the circumstances under which the measure was brought in. It is a long story and it is not necessary for me to go into that. If it were a panicky measure and if it was considered then by the Government that an elected body like the Bengal Council of Medical Registration should not have control both over the medical examination and teaching in particular schools and colleges, that it would be practically giving over the control of medical education in all its branches to an elected body; and therefore that there was need for executive action of this character, may I ask why after 15 years' experience it is still necessary to have a nominated State Medical Faculty for Bengal, especially as one of the Ministers in charge of Local Self-Government has already given an undertaking that this matter will be inquired into and settled as desired by the Council. What is the result of keeping this system of nomination? If you look at the composition of the governing body you will find that it consists of the Superintendents of the Campbell Medical School, Dacca Medical School, Ronaldshay Medical School at Burdwan and Lytton Medical School at Mymensingh, all are there as *ex-officio* members and all of them are Government schools. Where is the place there for any medical school other than Government schools which have been recognised by the Bengal Council of Medical Registration? Mr. Moberly has said—in view of this resolution and not before—that Government have already undertaken to inquire if it is desirable to put the Superintendents of the non-Government medical schools on to the State Medical Faculty. If there have been one or two members of the medical profession who have been taken into the Faculty in the past, they have been taken in, not as *ex-officio* members as in the case of the Superintendents of Government medical schools.

Here we have got a Medical Faculty entirely controlled by Government. We have got some of the Superintendents of Government medical schools well represented on that body and this body is entitled to inquire into the courses of training imparted in non-Government schools and colleges and then we are told "do not touch the State Medical Faculty; let it remain what it is," namely, a product of an executive Act, "and do not bring in outside practitioners because it may lower the standard and also make the governing body unwieldy."

After all, as I mentioned the other day, the concern of my friends on the Treasury bench for the people of this country is unbounded and their interest and sympathy are without limits. If the standard is lowered and if the medical education imparted to students in schools and colleges is lowered, who suffers? Not the Hon'ble Mr. Moberly, because he will never be treated by an Indian in any case, but the people to suffer will be the people of this country, our own kith and kin; and if the general practitioners on whom lies the entire responsibility for treating the people of Bengal will consent to lower this standard, knowing full well what it will mean, I can only say that they will be practically running in a vicious circle. I hope and trust that the medical profession is not gone so far beyond redemption as to agree to such a proposition. Therefore, I say that the proposition put forward in the resolution of Dr. Kumud Sankar Ray should be considered immediately; either this should be done or the amendment which was made last year should be withdrawn so that the State Medical Faculty may remain purely an examining body as it was in the past.

SURGEON-GENERAL with GOVERNMENT (Major-General Godfrey Tate): May I explain to Dr. Roy that in my opinion section 7, which he has quoted, does not give any power to the State Medical Faculty to inspect schools in Bengal but a paragraph was added in order that it should have the power to decide whether the schools in provinces outside Bengal came up to the standard which the State Medical Faculty of Bengal required.

Dr. BIDHAN CHANDRA ROY: May I inquire where he finds that expression; I do not find it in my copy of the resolution which runs thus: "Provided that if the courses of training imparted by a particular school or college materially differs from the course detailed in the schedule, the suitability of the courses taken by a candidate for such a school or college for the primary and intermediate examination shall be decided by the governing body of the State Medical Faculty." There is no mention of schools outside the province in this.

Major-General GODFREY TATE: But that was the idea.

Dr. BIDHAN CHANDRA ROY: On a point of personal explanation. This explanation of General Tate lends support to my point of view. I find that it is possible for the nominated body to give any interpretation to its rules as it likes and the sooner it ceases to exist the better.

Dr. KUMUD SANKAR RAY: After the able reply of Dr. Bidhan Chandra Roy touching all the points there is hardly anything left for me to reply, but Dr. Roy has missed one point. It is not quite known to many members of this House how the State Medical Faculty is a close preserve of Government institutions. I will tell you how. The regulations of the Bengal Council of Medical Registration, which is authorised to inspect all medical schools before they are recognised, do not apply to Government institutions. There is a distinction made between Government schools in respect of recognition and private schools. As soon as a Government medical school is started, a notification is made in the *Calcutta Gazette* that such and such a school has been started and a simple notification in the Gazette is quite enough for recognition. No inspection is made and the students of that school are allowed to sit for the Faculty's examinations. It has been admitted to me, Sir, by high Government officials that there are various Government mufassal schools which do not come up to the standard. The way in which the Government are multiplying the number of medical schools which have been kept deliberately out of bounds of the Council of Medical Registration and are independent of it brings to the forefront the fact that Government are wilfully perpetuating a lower standard for Government schools and at the same time putting obstacles in the growth of private medical institutions by enforcing rigorous scrutiny and inspection by Council of Medical Registration. That is a point which they are trying to hide from the public but we should all emphatically protest against this differential treatment. So far they have done it very cleverly.

I gave notice of a resolution to remove this differential treatment but as it has been balloted towards the end in the list of resolutions I hardly think it will be reached. But we must emphasise the need for reconstitution of the State Medical Faculty and for introduction of the elective element in it. I have no doubt that the good sense of this Council will prevail, especially in view of the fact that we have been so long assured of reform in this respect and I request my friends even on the other side of this House to support the resolution which I have the great pleasure of moving.

The Hon'ble Mr. A. N. MOBERLY: May I say a word in view of the fact that an entirely new matter has been introduced by the last speaker, namely, the allegation that Government are wilfully obstructing private schools and not allowing inspection of Government schools and are wilfully keeping the standard low. The question of medical schools is actually within the province of my friend the Minister in charge of Medical Department, but I hope he will not mind my saying a word or two on the subject because it has

some bearing on the resolution. There is nothing whatever to prevent the Council of Medical Registration from inspecting Government schools.

Dr. KUMUD SANKAR RAY: May I put a question to the Hon'ble Member?

Mr. PRESIDENT: You may do that at the end of the Hon'ble Member's speech.

The Hon'ble Mr. A. N. MOBERLY: Government have every interest in keeping the standard as high as possible not only in their schools but also in other schools. It is perfectly true that medical schools have been started in the mufassal but they have been started in response to a very considerable popular demand.

As regards the question of statute 7 of the State Medical Faculty the facts are as stated by the Surgeon-General. It was not intended to give them any power of inspection as regards schools in Bengal; it was intended to give them that power in the interests of students who came from other provinces so that their credentials may be examined with a view to admitting them to the examinations in Bengal. I undertake to have the drafting of that statute re-examined with a view to making the point clear.

Dr. KUMUD SANKAR RAY: May I know the names of the institutions which have been recognised by the Council of Medical Registration and of those which have applied for recognition?

The Hon'ble Mr. A. N. MOBERLY: I ask for notice of that question.

Dr. BIDHAN CHANDRA ROY: May I ask a question pertaining to it? How many of the Government medical schools have been inspected by the Bengal Council of Medical Registration and how often within the last few years?

Major-General GODFREY TATE: The power of inspection only came in with the passing of the new Act, I mean the Bengal Medical Act; this power they had not in the past. Now the Council of Registration have the power to inspect any school whether Government or private.

The motion of Dr. Kumud Sankar Ray was then put and a division taken with the following result :—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Atiqullah, Mr. Syed Md.
Bagchi, Babu Remes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Basu, Babu Sasi Sekhar.
Biswas, Babu Surendra Nath.
Bose, Babu Bejay Krishna.
Bose, Mr. Subhas Chandra.
Chakraburtty, Babu Jatindra Nath.
Chakravarti, Babu Jogindra Chandra.
Chatterjee, Srijut Bijay Kumar.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Sarat Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Hoque, Kazi Emdadul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Lala, Babu Saroda Kripa.
Maiti, Babu Mahendra Nath.
Mitter, Rai Bahadur Manmatha Nath.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shameur-.
Rahman, Mr. A. F. M. Abdur-.
Raikat, Mr. Prosanna Deb.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Suhrawardy, Mr. H. S.

NOES.

Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Fyfe, Mr. J. N.
Ghose, Mr. M. C.
Gilchrist, Mr. R. N.
Gordon, Mr. A. D.
Hogg, Mr. G. P.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Jenkins, Dr. W. A.
Kasem, Maulvi Abul.
Khan, Maulvi Tamizuddin.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Philpot, Mr. H. C. V.
Prentice, Mr. W. D. R.
Ray, Babu Nagendra Narayan.
Rose, Mr. G. F.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Sinha, the Hon'ble Raja Bahadur Bhupendra Narayan.
Stapleton, Mr. H. E.
Tata, Major-General Godfrey.
Thompson, Mr. W. H.

The Ayes being 48 and the Noes 31 the motion was carried.

3-15 p.m.

Mr. PRESIDENT: Members will please note that the decision now reached wipes out similar resolutions standing in the names of Babu Amarendra Nath Ghose, Babu Naliniranjan Sarker and Dr. Kumud Sankar Ray (items Nos. 54, 66 and 83 of the List).

Introduction of a Bill to repeal the provisions of the Court-fees (Amendment) Act and Indian Stamp (Amendment) Act.

Mr. RANJIT PAL CHOUDHURI: Sir, the resolution which I beg to move for the kind consideration of the House runs as follows:—

"This Council recommends to the Government that they be pleased to introduce a Bill in order to repeal forthwith the provision of the Bengal Court-fees (Amendment) Act of 1922 (Bengal Act II of 1922) and of the Indian (Specified Instruments) Stamps Act, 1924 (XIII of 1924) in so far as Bengal is concerned."

Sir, the two amending Acts for whose repeal I seek the assistance of this House were enacted as purely local measures in 1921 and 1923, respectively. There is a little history behind the passing of the two enactments which needs to be told. It was the beginning of the Reforms then. So naturally people who were so minded expected a good deal out of them. We all know that owing to the just and generous treatment of our friend Lord Meston our province in particular had to start the Reforms with a tight purse from the very outset. That arrangement, forged by rank Imperialists on the Imperial anvil, was designed to bring about a slow and gradual degeneration of Bengal. So that from the very start a deficit budget is annually apprehended—not on account of any drought or famine or for undertaking any project beneficial to the province, but as a natural sequence of that infamous Meston Award. Naturally, therefore, many were the devices adopted to meet the deficit financial situation occurring annually. About 1921, pretending it to be a stop-gap arrangement, the scale of fees and the stamp duty was raised. Sir John Kerr, on whose shoulders fell the task of piloting the Court-fees Amending Act, sought the justification for the introduction of the measure the straitened condition of the provincial finance. The noble Scotch knight, while admitting that the increased scales would of course affect the poorer classes like other classes, trusted that they would not on the whole affect grievously. Mind you, Sir, yet the increase was by 50 per cent. and 100 per cent. in the case of stamps. By way of indirect threat it was given out that if the House would not accept the amending Acts the land cess might have to increase to meet the deficit. Still the cess increased in some cases to over 400 per cent. admitted by Government in their letter to me, No. 17182 L.R., dated the 29th September, 1928. But that is, Sir, a digression. Sir John Kerr concluded by saying that the increase was to affect a minority but it was nothing compared to the aims and aspirations of the Government unfortunately not fully disclosed by him in return for the proposed increased scale. His colleague, Sir Surendra Nath Banerjea, of holy memory, in pleading for Sir John's cause glibly told the Council that the revenue that would be derived from the increased scales would be

employed in combating malaria, that great and fell enemy of Bengal. Our beknighted friend, then a Minister and a colleague of Sir Surendra Nath Banerjea, and now a full-fledged Executive Member, eloquently enumerated a long list of nation-building departments that would be fed by the additional revenue. Evidently the Government members were hand and glove with one another to lull the Council into an assurance of the good causes that would be furthered by the revenue that would be yielded by the additional increase in court-fees and stamps. The majority of members whose heart was sound vehemently opposed the measures. But the Bills were eventually passed in great travail and now it seems that the increased scales have come to stay with us. Despite the warm assurances of the two noble Indian knights we know from our experience how far the nation-building departments have been fostered by the new supplies. The less, Sir, I dilate upon them the better.

Sir, there was absolutely no justification for the Government to resort to that form of indirect taxation and putting a premium upon litigation and solemn covenants. The Government was fully aware that the laws of the country were so framed that litigation and solemn covenant were an everyday necessity and not a luxury at all for the people and thus they were made the easiest avenues through which some additional revenue could be brought in. I may tell you, Sir, that since 1911 the income under "Civil Justice" even without the additional scales always exceeded the expenditure. In fact there has always been a sufficient credit balance on this head. The surplus has always been diverted to other channels but the nation-building departments. It became eventually patent that the additional revenues was raised to meet the increase in salaries which went up by leaps and bounds through the kind offices of our just and generous friend, Lord Lee, and so the talk on the part of the Government people that the increase was aimed at providing larger funds for the nation-building departments was a huge hoax. I fear the same fate for the Primary Education Bill, but I hope the House is not going to be duped again.

Sir, after the Great War when there was a great straitness in the financial resources there might have been some justification for an additional taxation to meet the costs. But now that the financial situation has eased itself everywhere owing to normal conditions prevailing, it behoves the Government to call back the amending Acts and restore the old scales.

Sir, in these matter-of-fact days I do not want to tire the patience of the House with an academic discussion by quoting Bentham and other noted jurists as to whether justice should be taxed at all so as to justify having court-fees and stamp duties or not. But if court-fees and stamp duties are justified for defraying the costs of the respective

departments there is surely no justification to augment the revenue derived therefrom in order to meet expenditure elsewhere.

Sir, if the apologists of the Government would now tell us that if the old order of things was restored there would be a fall in the revenue including the deficit in expenditure, I would say to them to adopt the *recommendations in toto* of the Provincial Retrenchment Committee and economise their costs in other departments and conserve their resources whereby to find the requisite expenditure. I would always impress upon them the necessity for cutting down the ever-increasing police expenditure which has assumed unusual proportions and for which we do not get a proportionate return. The curtailment of this expenditure will release a decent amount by which the items of expenditure now met by the additional income from court-fees and stamp duties are fed. The Court-fees and Stamp Amending Acts involving the increased scales can thus be easily abrogated. To make a profit out of the administration of justice is simply indefensible.

Sir, the additional increase of revenue from court-fees and stamp duties was evidently resorted to as a sort of taxation but such a mode of taxation did not fulfil any of the recognized incidents inasmuch as such a taxation instead of being indirect has been direct and it has fallen not upon luxuries but upon necessities and it has fallen upon those, inspite of Government's pretension, more on those who are incapable of bearing it. Justice has been dear enough in our country already; the amending Acts have made it dearer still.

Sir, in conclusion I shall only add that if the House is convinced that the increased scales have affected our people prejudicially, it is high time that it should accord my resolution a hearty support.

3-30 p.m.

Babu JATINDRA NATH CHAKRABURTTY: I rise to support the resolution moved by Mr. Ranjit Pal Choudhuri. He has already drawn the attention of the House as to the circumstances under which the court-fees stamp was enhanced and is heavily weighing upon the litigants of Bengal. Litigation is on the increase. The litigants, most of whom come from the poor agricultural population, are bleeding under the heavy expenses of law courts. Sir, on principle it is bad to tax justice. To make a profit out of administration of justice is simply indefensible. To make a larger profit out of it for administrative charges is still more indefensible. The rate of court-fees and stamps should be as little as possible. We understand that in England these fees are taxed up to the extent of meeting the costs of the department of justice and leaves no surplus. But here you make a large profit and instead of reducing rates you have increased it and it is still increasing. Under a recently amended order and rule of Civil Procedure

Code, which has come into force from the 1st of January last, the public is required to file a petition with each plaint for serving summons on the debtor and to pay court-fees for it. Even in Soviet Russia against whom we hear so much from you litigants get justice at much lesser cost. Where does the incidence of this taxation fall? Bankers, landlords and other people may have to pay the costs first but in the long run the cost of litigation come from the pocket of the poor tenant or debtor. It is the poor people whose life is a long drawn sigh from year's end to year's end who have to pay the expenses of litigation. Sir, these people have burden enough and their burden have been increased by the amended Court-fee and Stamp Acts of 1922 and 1924 in the teeth of non-official opposition. It is well known to every member of this Council that 99 per cent of the revenue derived from the sale of court-fee stamps is raised from persons who go to Munsif's Court in order to seek relief. Who are these persons who seek relief in such courts? Every one knows that a vast majority of suits which are instituted in these courts are suits for recovery of arrears of rent and debts, that is to say landlords, shopkeepers and money-lenders sue their tenants, customers and debtors for failure to pay in time. And why do they fail to pay because their income is not sufficient to meet their wants. These landlords, money-lenders and shopkeepers when they sue their debtors, they are compelled to pay court-fees but when decree is passed they also get decrees for court-fees and other incidental costs in addition to their claim and realise their dues by seizing their personal property and putting them in the civil jail.

The time has actually come when the laws of court-fees and stamps require to be recast to suit the public. Having regard to the economic condition of the country and the very limited resources of the people it is high time that both the amended Court-fees and Stamp Acts should be repealed.

Mr. H. S. SUHRAWARDY: Mr. President, Sir, I sympathise entirely with the object of the resolution, but I am sorry that it is not possible for us to support it at this stage of our finances. The Bengal Act was passed for the purpose of making up the deficit which the Meston Award imposed upon us and although it has not fulfilled the object to the extent which we thought, it has met it to an appreciable extent. If this Act was repealed, we do not know where we shall turn for the purpose of carrying on the ordinary expenses of the administration. So far as we know the deficit this year is Rs. 75 lakhs. There has been a windfall owing to the death of a local jute magnate which may stave off ruin for a period of two years, but nevertheless if the Bengal Act was repealed the ruin will come much sooner. Of course the Simon Commission may think that the income as shown in our Budget is a normal income and is not abnormal obtained by abnormal

methods and over-taxation, brought about by the necessity of increasing our revenues. But this matter can be urged before the Simon Commission by the authorities concerned so that they may not be under any misapprehension as to the actual state of affairs, and may make proper provision on the basis of our normal income. This is entirely a matter of figures, and I think provision should be made so that we may be in a position to repeal the Act and balance our Budget at the same time.

Maulvi TAMIZUDDIN KHAN: I beg to support this resolution. Mr. Suhrawardy has said that at this stage of our finances we cannot accept this resolution. I beg to submit that by simply passing this resolution Government would be in no way embarrassed; Government can either accept or not accept this resolution. I understand Government cannot in the circumstances accept the recommendation if the resolution is passed, but I submit that if this resolution is passed, it will only help Government in fighting for unsettling the Meston Award which has been characterised as notorious by the mover of the resolution. Therefore, I think, Government should not put any serious opposition for defeating this resolution, although they cannot support it. I would, therefore, without adding further words, support this resolution and ask every one in this House to support it for the sake of policy.

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. A. Marr): Mr. Suhrawardy has explained the present position very clearly and I have little to add. As regards the last speaker's idea that by this House passing this resolution it would strengthen the hands of Government in fighting the Meston Award, I fail to see any force in this argument at all. We want to tackle the situation in a different way altogether when we come to fight the Meston Award.

Coming to the resolution itself, it deals with two Acts. I take the second Act first the Indian (Specified Instruments) Stamp Act, 1924. This was only a validating Act passed by the Indian Legislature to deal with certain documents, documents of a certain class which had been executed in British India at any time after the 23rd September, 1923, and before the 1st April, 1924. It was simply a validating Act, and I think the mover of the resolution will agree that we are not concerned with that Act now.

As regards the first Act, Mr. Suhrawardy has already explained the situation. The mover has cursed the Meston Award; every one in this House will agree with him in cursing that award. In 1922 we found that we were very short of money. Government reviewed all the different arenas of taxation and finally decided to concentrate on three, raising the court-fees, raising the stamp duties and introducing

a new tax in the shape of betting and amusement tax. I am prepared to admit that there are serious objections to all these taxes, but I fail to find that any speaker to-day has produced any other suggestion. If any member of this House or if the public can produce a better suggestion, I would welcome it. But it is very noticeable that, while some of the speakers to-day have raised objections to these taxes, they have made no alternative suggestions. It is true that when these taxes were introduced by Sir John Kerr in 1922, we expected some increase in revenue and that the Ministers, the late Sir Surendra Nath Banerjea and Sir Provash Chunder Mitter, now my Hon'ble colleague, were led to hope for a certain share in the increase of revenue produced by those taxes. But our hopes were altogether frustrated. There was slump in trade; the receipts from stamps fell off that year and in August we had to review the whole situation and make wholesale retrenchments, roughly of about 10 per cent. in every department. The present position is little better. The mover of this resolution has said that the financial situation has eased all over. Where he got that from I do not know. We are not a bit better off in Bengal as I will be able to show on the 20th of this month. We have made a calculation of what these taxes have produced and as nearly as we can get it, they have produced Rs. 2 crores and 11 lakhs, which works out to an yearly average of just over Rs. 35 lakhs. We cannot possibly afford to lose this revenue in the present state of our finances.

I therefore oppose this resolution and consider it inopportune in the present financial position of Bengal.

(The mover of the resolution was not present to reply.)

Mr. PRESIDENT: The mover is not here. I think he ought to have been here and listened to the debate to prove his earnestness about the resolution he moved.

The motion of Mr. Ranjit Pal Choudhuri was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Khan, Maulvi Tamizuddin.
Pal Choudhuri, Mr. Ranjit.

NOES.

Blair, Mr. J. R.
Cassells, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Gilchrist, Mr. R. N.
Guha, Mr. P. N.
Hagg, Mr. G. P.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.

Jenkins, Dr. W. A.
Karim, Maulvi Abdul.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Prevash Chunder.
Moberly, the Hon'ble Mr. A. N.
Philip, Mr. J. Y.
Philpot, Mr. H. C. V.
Prentice, Mr. W. D. R.
Ross, Mr. G. F.
Roy, Mr. Bijoy Prasad Singh.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Sen, Mr. Satish Chandra.
Sinha, the Hon'ble Raja Bahadur Bhupendra Narayan.
Stapleton, Mr. H. E.
Suhrawardy, Mr. H. S.
Tate, Major-General Godfrey.
Thomas, Mr. H. W.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 3 and the Noes 34, the motion was lost.

3-45 p.m.

Mr. RANJIT PAL CHOUDHURI: On a point of personal explanation, Sir. I have been called upon by my leader to express my regret for my absence from the House when the official member was making his reply to my resolution. I did not mean any discourtesy to the Chair.

Mr. PRESIDENT: Your statement will be recorded in the proceedings. What I meant was that when a member initiated a debate it was clearly his duty to remain in the Council Chamber to listen to it as he had the right of reply.

Mr. RANJIT PAL CHOUDHURI: I shall do so in future.

Mr. PRESIDENT: That is all right; you have already explained.

Provision for the construction of Phthisis Ward.

Babu SURENDRA NATH BISWAS: I beg to move that this Council recommends to the Government to provide in the next budget a capital grant of Rs. 1,00,000 to the Calcutta Medical Aid and Research Society for the construction of a Phthisis Ward.

Sir, I need hardly say that the object of the Society is a laudable and noble one and I trust that Government will not grudge to make this grant of Rs. 1,00,000 to this Society.

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (MEDICAL) (the Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): Sir, speaking on behalf of Government I am prepared to accept the resolution regarding the grant of Rs. 1,00,000 to the Calcutta Medical Aid and Research Society for the construction of a Phthisis Ward. The spread of phthisis and tuberculosis, specially amongst the females, in this city is reaching an alarming number. Government have hitherto had a desire to try to cope with

it but the inadequacy of funds stood in their way. At the present moment, however, something must be done to check this and for this purpose and also for the study of the disease the grant has been made. Some of my friends present in this House were quick in the past to criticise Government for their want of sympathy and initiative to do such work. I trust my acceptance of this resolution will prove in some measure that Government are very alert to meet the needs of the people as far as possible.

The motion of Babu Surendra Nath Biswas was then put and agreed to.

Steps for necessary legislation for the maintenance of the Presidency Police.

Maulvi ABUL KASEM: I beg to move that this Council recommends to the Government that the provincial revenues should be relieved of the charges for the maintenance of the Presidency Police, and that the expenditure for the same should be met by fresh taxation to be levied on the citizens of Calcutta, and that the Government should immediately take steps to introduce the necessary legislation for this purpose.

Sir, it is with some diffidence that I rise to move the resolution which stands in my name to this empty and unsympathetic House. Sir, the resolution as it stands and which I want to place before this House infringes on the vested interests of the citizens of Calcutta, and it is a rash act on my part to move it in the Calcutta Town Hall itself. But I am sure, Sir, my non-official friends will consider the resolution on its merit and merit alone, and I hope, Sir, the Government benches will also follow suit.

Sir, the recurring expenditure only for the maintenance of the Presidency Police up till last year was about Rs. 45 lakhs, and I think in the next Budget it will come to about half a crore. Calcutta is a big city, it is an imperial city and it requires a great police force both for service and for show. But my ground is that we the poor people of Bengal, people living in the rural areas, are not in the least concerned with either the maintenance of peace and order or the regulation of traffic in the city of Calcutta. What does it matter to me who has to till the lands alone in a distant land whether a motor-car collides with a tram car or a Rolls Royce comes in collision with a bullock cart, either in Chowringhee or in Shambazar. You have to maintain constables, sergeants and highly paid officials in Calcutta. Calcutta is a rich and prosperous city and Calcutta should pay for its police force. Sir, we living in rural areas, we the people of Bengal,

the producers of wealth, we are told that if we want petty chaukidars to protect our hearths and our small gardens and paddy lands, not only we are to pay for it but we are told that we must maintain so many chaukidars. While the rich people of Calcutta are rolling in wealth, and enjoying all the amenities of civilised life, for their watch and ward and for their protection the peasants of Bengal, the people of Bengal must pay. Is it fair, is it just and is it equitable? Secondly, Calcutta is a cosmopolitan town. There are the merchant princes of Clive Street, Burrabazar and Zakaria Street. It is a city consisting of people from outside the province. I do not grudge their presence; they have increased the wealth of Calcutta but they contribute absolutely nothing to the provincial revenues. The income-tax that is levied from the merchants of Calcutta or from the people of Calcutta goes to the Central Government. The customs duty goes to the Central Government also and this customs duty although payable by the people of Calcutta is realised from the people of Bengal. The income-tax is also earned from the people of Bengal. But they do not pay anything towards the provincial revenues. Whatever revenue we get out of the citizens of Calcutta is the excise revenue—that is the only revenue derived from Calcutta. But for that we have to maintain an extra excise establishment in Calcutta itself. Leaving these matters aside there are people who come from all parts of the world to Calcutta, enjoy all the amenities of life there, but they do not contribute a single pice to the provincial revenues. The provincial revenues have to pay for the maintenance of a magnificent police force in Calcutta. I say it may be necessary, absolutely necessary, for a town like Calcutta to have a police of that magnificence and magnitude, but what I submit is that Calcutta must pay for it and not the mufassal people. Sir, when we go to the Hon'ble Nawab Bahadur and tell him that a certain part of the district wants irrigation and drainage for the protection of agriculture, we are told that Government is full of sympathy but that they are very hard pressed for want of funds. When we go to the Hon'ble Nawab Sahib and ask him that primary education should be introduced, he says, "Yes, Government is quite prepared for it but at the same time you must tax yourself." When we go to him for an extension of middle and secondary schools he says, "Myself and my Government, the Department of Education, are absolutely convinced of the reasonableness of your arguments and we are full of sympathy for you; but what can I do? The finances of Bengal do not permit us to draw more money from the Government."

4 p.m.

If we go to the Raja Bahadur of Nashipur for some sanitary improvement or medical relief, or for the clearing of jungles, or for the supply of pure drinking water, we hear the same tale. My appeal to all

the members of Government is that if they have the courage to ask the people of Calcutta to pay for their police then something like 46 or 48 lakhs of rupees will be released for the purpose of village sanitation, improvement of agriculture and medical relief all over the province.

You may at the present moment treat this with a certain amount of hilarity and contempt, but I tell you that the cry that I have raised to-day is a cry from the people of Bengal——

Mr. PRESIDENT: What do you say, Maulvi Sahib? Do you address your remarks to me?

Maulvi ABUL KASEM: No, Sir, I addressed my remarks to those members who are laughing.

Mr. PRESIDENT: You cannot forget that you have to address your remarks to me.

Maulvi ABUL KASEM: As I was saying, the cry that I have raised to-day is the cry of the people of Bengal by whose industry you flourish and by whose labour both the Government and the aristocracy exist in this country. Sir, I hope and trust that this resolution will be accepted by the House. I do not wish to inflict a long speech on you, the case is pure and simple. What we say is that while we, the poor people who have got no food—not even two meals a day—no good clothes to put on, no medical relief, no sanitation and so forth, have to pay for our chaukidars for protecting our huts and a few trees, why should not the people of Calcutta, rolling in wealth and riding their Rolls Royces pay for their own police. It is not just and fair. I submit that the people of Calcutta ought to pay from their pockets, and the money thus released should be devoted to objects of rural improvement such as education, sanitation, irrigation, etc. With these words, Sir, I commend my resolution to the House.

Babu BEJOY KRISHNA BOSE: I do not know whether Maulvi Abul Kasem walks on foot in the streets of Calcutta or the roads in the mufassal, but for the last 35 years that I have known him, I have always seen him moving about in motor cars. I do not know the makes of those cars, whether Rolls Royce or Ford. He lives in towns and very seldom in the mufassal. For him to come forward and say that he represents the people of Bengal, as distinct from the people of Calcutta, is something which is absurd and which excites hilarity if not contempt. On principle, Sir, I oppose this resolution. To raise the standard of internecine quarrel under a foreign Government by dividing the people of the province into two groups, namely, the people of Calcutta and the people of the mufassal,

is a game in which he may participate, but I do feel, Sir, that so long as we have not got Swaraj, so long as we have not got our own system of Government, it is not proper either for my friend or anyone else to say that the people of Calcutta must pay for their police, and that legislation should be undertaken by Government for the same purpose in order that the people of the mufassal might be relieved of a part of their burdens. What guarantee have we that the money when free will be spent for the purposes mentioned by Maulvi Abul Kasem? Is he in the Cabinet of the Government? Can he give an assurance that the money thus set free will go towards the improvement of sanitation, education, and not be used for other purposes for which the Government exist? We have our bitter experience, and we know very well that whenever money is wanted for the so-called nation-building departments, our Ministers say that they cannot get any money from the Finance Department. Therefore unless there is a guarantee from Government that every pice thus set free will go towards expenditure on nation-building departments, we ought not to support this resolution. My friend asks the Government to introduce legislation. Well, I cannot view that with perfect unconcern. As a citizen of Calcutta, and as a representative of a Calcutta constituency, I must strongly oppose this resolution.

Mr. H. S. SUHRAWARDY: Sir, I am sorry that twice in the course of the same day I should rise to oppose a resolution moved by a non-official member of this Council. Although I am not prepared to suggest that the object of Maulvi Abul Kasem's resolution is to bring about a cleavage between the people of Calcutta and the people of the rest of Bengal, nevertheless, by the various winks and nods which I have seen passing between mufassal members, who seem to think that this is a matter for showing to their constituencies that they are prepared to relieve them of the burden of supporting the police in Calcutta and that this can be considered to be a matter of practical legislation I think that it has had that unfortunate effect. Now we all know that in Calcutta we need enormous sums of money for the improvement of the city which we are at present unable to undertake because the people of Calcutta are already overtaxed. We need money for more water, in which Maulvi Abul Kasem and the gentlemen from the mufassal have been so lavish, because pure water is not available to them in the mufassal as in Calcutta. We need money for our drainage which also Maulvi Abul Kasem and the members from the mufassal so fully utilise. We need money for education in Calcutta. There are a number of other primary objects which affect the citizens of Calcutta and which I can put forward, which cannot be undertaken for want of money. Further, I do not agree with Maulvi Abul Kasem that the people of the mufassal have no concern whatsoever with the police in Calcutta.

I am not prepared to say that all the gentlemen who come from the mufassal are criminals, but if you examine the records of the Police Courts here you will find that to a very large extent the police in Calcutta have to deal with immigrants from the mufassal, who find Calcutta a very lucrative place for their avocations. Therefore, Sir, it is not at all inequitable that the cost of the police in Calcutta should be met from the Provincial revenues. The Traffic Police further spend most of their time in and justify their existence by saving our simple friends from the mufassal from annihilation. My friend has raised the question of the merchants of Colootollah and Zakariah Street. Well, it is true that most of the money they pay to the exchequer goes to the Central Government, and the reply to that argument would be that the Central Government ought to contribute to the cost of the police in Calcutta rather than that those very persons who contribute so lavishly to the exchequer should be further burdened with the cost of the police here. I submit, there is absolutely no merit in the resolution which has been moved by Maulvi Abul Kasem, and I hope that after he has heard the arguments he will withdraw the resolution and not precipitate a division between the mufassal and the Calcutta members.

Mr. BIJOY PRASAD SINGH ROY: Sir, it is a matter of sincere regret that my friend Maulvi Abul Kasem should think that the people of Calcutta ought to pay for their police and should have brought forward this motion of his. My friend ought to remember that whenever there is a riot in Calcutta, the police do not protect the lives of the people of Calcutta alone. Calcutta is the capital of the whole province, and in it you find people coming and residing from all over Bengal. I am sure that the hon'ble mover of the resolution, belonging to Burdwan as well as my esteemed friend Rai Manmatha Nath Mitter Bahadur, who comes of one of the ancient families of Calcutta, does equally feel proud of this great city. Sir, the people of Calcutta are already overtaxed, as my friend Mr. Suhrawardy has already explained to this House. There are large and important schemes in hand for the expansion of the city—the improvement of its sanitation, drainage and water-supply, the building of the new Howrah bridge which are just as necessary for the people of the mufassal as for the people of Calcutta, because a large portion of the people of the mufassal come to Calcutta in order that they might take shelter within its limits from the ravages of malaria and kala-azar. These people have to be protected as well. Money is needed for various improvements which cannot be undertaken because the people are already heavily burdened with taxes; people living in their own houses often feel that they live in rented houses, because of the 19½ per cent. consolidated rates.

Sir, this question of raising separate funds for the Calcutta Police was gone into very thoroughly, I believe, by the first reformed Council and by the Government, through the agency of a Committee consisting of members of the Government and some members of this Council. I do not exactly remember what the result of the deliberations of that Committee was, but it is rather late in the day now to formulate the proposition that Calcutta ought to pay for its own police. We do not live in watertight compartments and when we are preaching national unity, when we urge that the people of the Punjab and Bengal should think that they belong to one and the same nation, when we are suggesting in the interests of national solidarity that the people of Madras and of Calcutta should not think that they really belong to different communities and different parts of the country, but should make common cause and try to stand always on one and the same platform, it is rather absurd for my friend, Maulvi Abul Kasem, to suggest that the Calcutta public should pay for its own police. With these words, I oppose this motion.

Maulvi ASIMUDDIN AHAMAD spoke in Bengali, the English translation of which is as follows:—

"Sir, I rise to support the resolution moved by my friend Maulvi Abul Kasem. The resolution is so just and simple in itself that from the point of view of justice no objection might be made against it.

I do not know why my friends Mr. Bose and Mr. Suhrawardy have opposed the resolution, while none of them travel on foot but ride cars. We mufassal members who have no cars in Calcutta, are put to some inconvenience.

It is but just that the provincial revenues should be spent only for the Presidency police and that all extra expense should be met by the local municipality.

In the mufassal the Union Boards have to pay the wages of chaukidars who do police work in the villages. Not a pice out of the provincial revenues is contributed to the Union Boards for this purpose. Why then should not the Calcutta Municipality pay for the Calcutta police? Were forty to forty-five lakhs of rupees annually spent out of the provincial revenues for the Calcutta Police spent for the sanitary, educational and agricultural improvements of the village people their condition would not have become so miserable. Government say that they have no money when we speak of sanitation, primary rural education and agricultural loan. Had they not spent money unjustifiably and unfairly, a good deal of improvement might have been made in the condition of the country.

We know that Government will oppose this resolution, but I do not understand why my Swarajist friends oppose it. I believe that the constituencies of those who are opposing this resolution must be in Calcutta. That may be the only reason and there is none other for opposition to this resolution. If we all disregard justice and truth for serving our own purposes, how can we hope to secure the welfare of the country?

I hope that all mufassal members will give their support to this resolution."

4-15 p.m.

Babu MANMATHA NATH ROY: Although I have full sympathy with many of the arguments which have been brought forward by Maulvi Abul Kasem I cannot support the resolution which he has brought forward. As a member representing a rural constituency, I am inclined to regret that whereas people in the rural areas have to pay for dafadars and chaukidars the police of Calcutta should be maintained out of provincial revenues. But there are the police forces in the mufassal towns of Bengal which also are maintained at present out of the provincial revenues; so in case the Calcutta Police is intended henceforward to be maintained by the people of Calcutta, on the same ground the police of the mufassal towns should be maintained by those towns, and there is no reason why Calcutta should be treated differently from the mufassal towns. Therefore I cannot support the resolution which has been placed before us. Had it been a comprehensive one to the effect that the police in all towns should be maintained by the towns concerned, I might have supported it.

Mr. SATISH CHANDRA SEN: I am afraid I cannot support the resolution of my friend Maulvi Abul Kasem. I am a citizen of a mufassal town of Bengal in the same sense as Maulvi Abul Kasem is; that is, I have a residence in a town and stay in Calcutta for my living, but all the same I oppose this motion. Maulvi Abul Kasem says that the police of Calcutta are maintained chiefly for the safety and comfort of the people of Calcutta rather than that of those of the mufassal, but he forgets that the citizens of Calcutta consist of a floating population who come to Calcutta in their hundreds and thousands every day and leave it in the evening. Since they take advantage of the services of the Calcutta police equally with the people of Calcutta, how can they say that they should not contribute to the cost of the police of Calcutta where they come for their living?

Take the case of trade and commerce: Why would the Calcutta police protect the goods of mufassal people if they did not contribute

to their maintenance? Maulvi Abul Kasem says that the revenue of Calcutta is all spent on Calcutta and that Calcutta does not contribute to the needs of the mufassal, or to the revenue of Bengal. But he forgets the moneys realised from stamp duty and court-fee stamps. If he compares the amount earned in Calcutta from stamps with that earned in the mufassal he will be amazed to find that more than half is contributed by Calcutta. The High Court of Calcutta contributes a large sum of money towards the revenues of Bengal in this respect. What about the betting tax? It contributes a great deal of money to the exchequer of Bengal. He forgets all these and that is why I say that his resolution is based on facts which are not proveable.

Babu SURENDRA NATH BISWAS: I rise only to give a reply to my friend Mr. Asimuddin Ahamad. He said that he knew that Government would oppose the resolution, but he was surprised that his friends of the Swaraj party also would follow suit. He argues that the people of Calcutta should support their own police on the analogy of the Union Boards which support their own chaukidars. But, Sir, had it been possible for the Calcutta Corporation to be formed into a Union Board and to be authorised to raise taxes for the maintenance of its police force just as the Union Boards do, then I should have supported this resolution, but as long as this is not possible we cannot support a measure which makes a distinction between mufassal and Calcutta people.

Another point which has been raised by Mr. Suhrawardy is that a large number of people are run down by motor cars and carriages and traffic police are required for its prevention. I think, Sir, that the majority of the people who are thus run down belong to the mufassal and the Calcutta police may be said to be looking after their safety too. It is one of the main duties of the Calcutta police to protect the passers-by and pedestrians especially, from motor accidents and other mishaps, and I think Maulvi Abul Kasem and Maulvi Asimuddin Ahamad will agree with me that by the existence of the Calcutta police mufassal people are much more benefited than the people of Calcutta, especially those of the mufassal who are pedestrians.

With these words I oppose the resolution.

[At 4-22 p.m. the Council was adjourned and it reassembled at 4-37 p.m.]

The Hon'ble Mr. A. N. MOSELY: I rise to oppose this resolution. Judging from the trend of the speeches of the members who

have preceded me I feel I am merely preaching to the converted but I should like to make one or two remarks in connection with this very important subject. I expected, when I saw that this resolution was tabled, that I should have to go into matters of ancient history but I am glad I have been spared that. But there are two main arguments in favour of the proposal which I think require to be dealt with. The first is that the cost of the police in Calcutta is very heavy in comparison with the cost in the rest of Bengal, and this means according to the mover that the mufassal contributes disproportionately for the benefit of Calcutta. The answer, I think, is, as suggested by my friend Mr. Bijoy Prasad Singh Roy, that Bengal must be considered as a whole and that it is not possible to ensure that each locality shall receive exactly what it contributes in taxation; for example, whilst the police charges are undoubtedly greatest in Calcutta they are heavier in the neighbouring industrial areas than in the rural districts. Calcutta is actually heavily taxed and it matters not at all to the taxpayer if part of what he pays or most of what he pays goes to the Central rather than to the Provincial Government. Even if Calcutta and Bengal could be treated separately Calcutta could not reasonably be taxed specially to meet the cost of the Calcutta police if the cost of the Bengal police were to be met from provincial revenues. That meets I think the first argument.

The second argument is, I think, the strongest argument in favour of the proposal to levy a tax on the people who live in towns towards the pay of the police, namely, that the inhabitants of the villages pay a large sum for watch and ward by chaukidars. This payment is a direct additional tax; the citizens of Calcutta pay no direct tax of this nature although a number of them are wealthy. The argument has become still stronger since the introduction of Union Boards which are empowered to levy taxes for the improvement of public health, water-supply, sanitation, communications, education, etc., on much the same lines as the municipalities, but I think that the argument will not bear any detailed examination. In the first place the argument applies equally well to all municipalities. In no municipality is any chaukidari tax levied; why, therefore, should Calcutta be singled out for differential treatment? In the second place the chaukidars are not the only police in the mufassal and the argument based on the chaukidari tax cannot be used as an argument as to why Calcutta should pay the entire cost of its police force, although it may be one of the arguments why Calcutta and other towns should contribute towards watch and ward.

The third point is that watch and ward in urban areas cannot be carried out by part-time servants on nominal pay of the type and ability of a village chaukidar.

4-45 p.m.

In the fourth place it may be argued that if Government pay for the police in municipalities, they should in equity relieve the villages, where people are poorer, from the charge for chaukidars. The answer to this is that the cost of substituting regular police for chaukidars would be absolutely prohibitive and even the cost of paying the chaukidars from provincial revenues would impose a charge on provincial revenues which they could not possibly bear. The chaukidari system is not ideal from any point of view, but it has the sanction of long established custom and could only be improved by the expenditure of a far larger sum of money, which could not be met from provincial revenues. In any event any proposal of this kind would defeat the object of the mover of the resolution which is to save money and not to spend money.

Finally, attempts, as we know, are constantly being made to bring the chaukidars completely under the control of the villagers, and if a police rate were levied, attempts would similarly be made to bring the police under the control of local bodies. Theoretically this might be desirable, but actually any Government must necessarily be primarily responsible for the prevention and detection of crime and the maintenance of order. There is no doubt that they will be held responsible by the public for the maintenance of order, and they must, therefore, refuse to divest themselves of their power of control and they must continue to have control of the police by whom the maintenance of law and order is carried out.

I would, however, while opposing the resolution, add that if at a later date it appears that there is a general consensus of opinion in the Council that not only Calcutta but all towns should be taxed to pay for watch and ward and for the employment of police for special local purposes, such as the regulation of traffic, and thus set money free for other provincial necessities—and the first important necessity is to balance the budget—Government will consider the question and will try to work out details. It does not appear from the debate this evening that there is at present any such general consensus of opinion, but Government will examine the question if there is such a consensus of opinion. But at the same time I must say clearly that they cannot agree that Calcutta should be dealt with on different lines from other towns, and that they will oppose any proposal which will result in depriving them of control over the police, which is essential under any form of Government.

Maulvi ABUL KASEM: Sir, I started by saying that I was appealing to an unsympathetic House but experience has shown that I actually appealed to a hostile House. But before I ask for a decision

of this House, I ask your permission to say a few words in reply. My young friend, Mr. Suhrawardy, has reminded me that from the records of the Calcutta Police at Lal Bazar, to which place fortunately he has occasional access, it appears that we people of the mufassal are all criminals, and that we come to Calcutta to rob or molest or injure the innocent lambs—the peaceful citizens of Calcutta. I admit that we people come to rob the people of Calcutta, but then it is necessary for those people to pay for their protection and not ask us to pay for it. Secondly, the Hon'ble Member-in-charge has concluded by saying that there should be no distinction between the town and the mufassal, and the Calcutta people should be considered as coming under the same category as the people of Burdwan, Katwa or Bogra. I would respectfully remind him that the police force at Burdwan, Katwa, Dainhat or Bogra are entirely a separate body from the Presidency police of Calcutta. The Presidency police is a separate force and it has a separate identity. It is not mixed up with the mufassal police. The police force at Burdwan, Asansol or other mufassal places are part of the Bengal police for which the whole of Bengal has got to pay. My friend Mr. Roy of Howrah observed that for the expenses of watch and ward every city should pay its own cost. It has been said that because the charges for the Calcutta police are too heavy, I want to relieve the provincial revenues of the same. I say it is not for that. What I say is that the citizens of Calcutta contribute almost nothing to the provincial revenues, that on account of the magnificence of the city of palaces with innumerable edifices they want a very costly police, and I submit that they ought to pay for it and not ask the people of the mufassal to pay for it. My friend Mr. Bijoy Prasad Singh Roy protested against my remarks about the merchant princes of Burrabazar and Zacharia Street, saying that in this city the Madrasis, the Punjabis and the people of other places were as good as the Bengalis. The Madrasis and the Punjabis are my brothers, but the question is that the provincial revenues coming from the Bengal rural areas have to pay the protection of all our brethern, without caste or creed, who come to Calcutta: What I want is that my brothers should contribute for a portion of the police cost and that is my argument. We have been told that we come here and walk about the streets of Calcutta and that for our protection the police force is maintained. But it should be remembered that every time and on every occasion that we come here we have to pay a tax of half anna and another half anna for going back. So, for our coming and going we are taxed. Secondly, when we come to Calcutta we pay for our house rent: we contribute to the finances of Calcutta by our stay here. Mr. Suhrawardy says that Calcutta wants money for its sewerage, drinking water, etc., and the needs of Calcutta are innumerable. Certainly a great city like Calcutta would want many amenities: it would perhaps require

aeroplanes for conservancy purposes. I submit, Sir, that in considering this question, not only theories but the practical effect will have to be considered. Sir, the people of India live in rural areas and their interests should be, though it is not, the primary concern of Government.

Mr. H. S. SUHRAWARDY: Sir, on a point of personal explanation. Although I value the manner in which my friend has addressed me inasmuch as he has called me his friend, I object, Sir, to being referred to as young. I hope my friend will not repeat that mistake in future.

The motion of Maulvi Abul Kasem was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Kasem, Maulvi Abul.
Khan, Maulvi Tamizuddin.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur.
Rauf, Maulvi Syed Abdur.

NOES.

Blair, Mr. J. R.
Bose, Babu Bejay Krishna.
Cassells, Mr. A.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Dash, Mr. A. J.
Drummond, Mr. J. G.
Forrester, Mr. J. Campbell.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Ghosh Maulik, Mr. Satyendra Chandra.
Gilchrist, Mr. R. N.
Hogg, Mr. G. P.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.
Karim, Maulvi Abdul.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, Rai Bahadur Manmatha Nath.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
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Philpot, Mr. H. C. V.
Prentice, Mr. W. D. R.
Ray, Babu Surendra Nath.
Rose, Mr. G. F.
Sen, Mr. Satish Chandra.
Sinha, the Hon'ble Raja Bahadur Bhupendra Narayan.
Suhrawardy, Mr. H. S.
Tate, Major-General Godfrey.
Thomas, Mr. H. W.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

The Ayes being 8 and the Noes 32 the motion was lost.

5 p.m.

Jatiya Ayurbijnan Parishad.

Mr. J. CAMPBELL FORRESTER: I beg to move the resolution which stands in my name, viz: "This Council recommends to the Government that Rs. 5,00,000 spread over two years be allotted to the Jatiya Ayurbijnan Parishad (half in the next budget and the other in the succeeding budget) in the form of a capital grant for removing

its school (National Medical Institute) from Maniktala to Entally and converting the whole of the premises at Maniktala into a Beggars' Hospital."

Sir, I am going to disclose to this Council a tale of misery and woe—a tale that has been oft told but I hope it will go on being told without cessation until the awful devastation and toll of death is stopped. I herewith give you a list that should make the stoutest heart quake and should stir the imagination of this Council to such an extent that its members will not rest until it is remedied. Here is a deplorable detailed list of causes of death that are taking place in this Province:—

10,00,000 from fever.
5,00,000 from malaria.
60,000 from kala-azar.
30,000 die of child-bed diseases.
1,20,000 from cholera.
1,00,000 from tuberculosis.
3,00,000 babies died within a year of birth.
12,00,000 die under 15 years of age.

One of the greatest arguments that can be put forth in support of this amendment is the dearth of qualified practitioners. The scarcity of registered practitioners is appalling—1 to every 12,000 of the population and unfortunately about 75 per cent. place themselves under the tender mercy of the quacks. These facts are not new, they have been repeated times and again by Governors, high officials, and Ministers, but neither speeches, from Ministers, officials or non-officials, can remedy this unfortunate position. Therefore a cure lies in the Government taking up and assisting with finance all well-run medical institutions. The Institution under consideration is one that commands the sympathy and official support of the Government. The National Infirmary, a hospital for the diseased, and destitute, the only institution of its kind curing diseases of poverty and neglect, where people who are dying of starvation and neglect get a shelter. Surgeon-General Colonel Tate very aptly observed after inspecting the Medical Institute—"Both institutions (school and hospital) reflect the great initiative and fixity of purpose of the Executive Committee who have good cause to be proud of what they have achieved in the short period of five years," and he hoped this institution would receive the support it deserves from official and non-official sources. Well Sir, from non-official sources the authorities of the institution have been maintaining the school and two hospitals situated at a distance of about 5 miles from each other. Their capital asset amounts to about Rs. 7 lakhs and after spending annually about a lakh for the

school and hospitals they have a closing balance of about a lakh and a half. All this they have achieved up to date without any help from the Government. As regards the school affiliated to the State Medical Faculty it stands well in competition with the old standing institutions. The Chittaranjan Surgical Annexe constructed on the most modern continental and British plans and equipped with most up-to-date appliances, has created a most favourable impression on the minds of the visitors, officials and non-officials. While I plead for it I especially plead for the National Infirmary, of which I have the honour to be President. It has only been in existence for a short period, but during that period it has done most useful work. It is an institution that has done much in curing diseases due to poverty and neglect. It would be remembered that the Government have been pressing upon the Calcutta Corporation since 1918, the necessity of founding a Beggar Infirmary. No practical measure has been taken except the appointment of a Mendicancy Committee which recommended that the Corporation and the Government should bear equal proportion in the cost of maintaining an institution for beggars. Instead of finding a solution the time has been wasted in the arguments between these parties, each trying to place the responsibility upon the other. The Corporation recognising that something had to be done to free the city of its numerous beggars, assisted with a very small grant to help forward the good work that was being done by the National Medical Institution and that institution has responded to the Corporation's call and is doing good work in this direction. The Government has been decidedly lacking in sympathy or interest. It is a disgrace to any Government that permits its citizens to die in the street like animals without a shelter or helping hand. The ambulance picks up at an average of 150 cases per month, these cases are frequently taken from hospital to hospital without getting admission and then unfortunately they are left in the street to die. This is a blot on the name of the Government of any civilised nation. I appeal to the Government to make a start now and wipe out this disgraceful condition. The Ceylon Government has established long ago a House of Detention and a House for Vagrants, also in Bombay, and I hope that the same will soon be said of the Bengal Government.

We want this Government to help us to remove the junior portion of the school now located at Maniktala to Entally and convert the whole of the premises at Maniktala into a beggars' hospital, a home for diseased and destitutes. The plan has been submitted by the Parishad with detailed estimates, etc., for a capital grant only for the present of Rs. 5 lakhs, as the Government was not prepared to consider the question of a recurring grant. The Government, however, assured (and having appreciated the public spirit of the promoters of the institution and the generosity of those who had contributed towards the cost of the hospital) that if the Parishad could

satisfy them that the maintenance charge can be met from sources other than Government, the latter would favourably consider the question of making a capital grant. The authorities have satisfied the Government that their income is quite adequate to maintain the school and the hospital. In spite of all this the Government, I am sorry to say, did not see their way to provide for a capital grant in their budget for 1927-28 and 1928-29. The Government have made capital grant to other non-official institutions which I do not grudge, but I do not know of a more deserving institution to help to develop than the one at present under discussion.

It is a terrible picture I have given you, are you to permit it to continue? If so, we deserve the storm of wrath that will be awakened in other civilised countries recoil upon our heads, when we allow homeless women, children and men to die in our streets like cattle, driven from pillar to post, until ruined, broken-hearted, aching in body and mind, they lie down in the pavement and die. Let us remember that all selfish action is petty and ignoble, and service for others the only lasting good. Let us forget to-day the dreary waste of materialism and only think of suffering humanity. Your citizens are crying for help and pity as they die in their hundreds. It is useless for the Government to plead lack of funds, funds must be got. Leave over some of the commitments that may have been made as regards starting and maintaining new institutions. This cause is urgent and should not be delayed longer. These people are dying with outstretched hands to you, pleading for help in the name of humanity. Poor people! Help them, I plead for your help for them.

Mr. H. S. SUHRAWARDY: I beg to support the resolution which is of paramount importance and the practical acceptance of which will remove one of the most imperative needs of Bengal, of the citizens of Calcutta and the mufassal people alike. Let me first tell you what is this institute for which a grant is asked. Its name is the Jatiya Ayurbijnan Parishad—which translated signifies the National Medical Institute. In a sense it typifies us excellently. Under an imposing Indian name, also national and khaddar clad, it serves to disseminate and popularise the western science of medicine and surgery. Not for it the untouchable Kaviraji and Unani systems of medicines—they are not sufficiently national for our modern views. I should hence have thought that our Government ought not to have had the least hesitation in supporting such an institution—a national agency which yearly turns out hundreds of students steeped in western lore to whom any but the system of Allopathic medicine is an unscientific fraud—an evil that should be stamped out by laws and prosecutions. Be that as it may, in its own kind it is a wonderful

institution and deserves our most cordial support. A number of self-sacrificing doctors have given of their best for the welfare of this institution. It conducts a school in Maniktala for 400 students. It is affiliated to the State Faculty. Its students stand first in the examinations although we have heard rumours of attempts to change examiners which I sincerely hope are unfounded, so that the students of a national institution, taught by indigenous doctors, giving free service, may not stand higher than the pupils of paid teachers. Affiliation to a higher standard has not been allowed as the hospital accommodation where the students may first learn the various steps in the art of curing or killing is not sufficient. The Calcutta Corporation has leased to this institution a piece or parcel of land with all its tenements, messuages and hereditaments complete and within one of its hereditaments is housed a hospital which has accommodation for about 100 beds. This hospital fulfils a most urgent need of the locality which is mostly occupied by poor Muhammadans and it is called the Chittaranjan Hospital after our great leader of revered memory. There is a separate cholera ward and a ward for venereal diseases, and the hospital has earned the unstinted encomiums of Surgeon-Generals, Colonels and others of the medical hierarchy. The Parishad now possesses a beautiful hospital, fitted with up-to-date appliances, obtained cheaply, through non-official agencies and can accommodate 150 beds. If some other accommodation is found for the school, there will be 300 beds between Maniktala and Entally and the school will be able to teach to the higher standard of M. B.—a fitting monument to the untiring zeal and energy and organising ability and sacrifice of Dr. Kumud Sankar Ray, a member of this Council, who has retrieved his Swarajist proclivities by solid work.

Now it is necessary that the school should be housed near the hospital, so that the students may be able to attend it and take advantage of it. There is ample ground near the vicinity which can be acquired cheaply before the price of land goes up owing to the operations of the Calcutta Improvement Trust. Further, this will release the accommodation in Maniktala, which will be converted into a beggars' hospital, whose urgent need has been recognised more than once by the Government, but which Government has not been able to take in hand owing to lack of funds. Where will Government get such an opportunity?—an army of trained workers, giving their services free, undergoing all the hardships cheerfully and voluntarily in the cause of humanity. The Mendicancy Committee of 1918 has recommended a hospital, but its resolution has been shelved. The Bombay and Ceylon Governments have established infirmaries for beggars and workhouses before passing the Vagrancy Act. The Mendicancy Committee suggested that Government should bear half the cost of the hospital and the Corporation the other half. The

Corporation has done its part by giving a recurring grant of Rs. 13,000 in addition to a capital grant to start a beggars' hospital at Manikta and a small nucleus has been started for the last two years. The balance of the expenses is met by the Parishad.

The new school will teach 500 students; and as matters stand now the Parishad states that Government will not be called upon to meet the recurring charges. I think this apology on the part of the Parishad is uncalled for, as it deserves much more than we have dared to ask in this resolution, but it hopes that these excuses in advance may help to mollify the Government attitude.

The policy of Government has previously been to double the amount subscribed by the public;—in this case, although the public has done so much the Government has not subscribed a single pice to the Parishad. The Parishad has an asset now of nearly Rs. 7 lakhs in buildings and equipment and it is prepared to contribute Rs. 60,000 towards the acquisition of the land which is estimated to cost Rs. 1½ lakhs. What better opportunity can the Government have of doing good at a small cost and of providing hospital accommodation which is meagre?

Now I am aware that I will be met with this reply—that we are prepared to make the grant, that the Parishad is a fine institution doing immense good, carried on by a fine set of people, that we appreciate their good work, but we have no money. The answer is, you have—Rs. 5 lakhs on this object will be better spent than Rs. 5 lakhs in the closing balance. We are so far gone in bankruptcy that it is no use trying to stave off the evil day by stinting necessities. The Government have this year had a windfall in the death of a great jute magnate to which I have referred in an earlier speech; the Meston Committee did not anticipate this. Government might spend a portion of this money sent so providentially on something which might serve to benefit the soul of Sir David Yule. Where we have a deficit of Rs. 75 lakhs, 5 lakhs more or less will make little difference—and I can assure you that that money will be well spent and will do ten times more work than if the money was entrusted to an official agency. I understand that all the departments, including the Finance Department, is intensely sympathetic, but somehow or other this grant has by an oversight not been included in the next budget. I hope Government will include it in an early supplementary budget. A supplementary budget brought for this cause alone will more than justify its utility.

5-15 p.m.

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: My friend, Mr. Campbell Forrester, has opened his speech by giving a vivid picture of the death roll and has charged

Government for neglecting their duty with regard to the death roll which is increasing from day to day. I am to point out to him that Government have not neglected their duties but are trying their level best to cope with the situation. At present the number of hospitals and medical schools are increasing every year; this shows that Government are watching the matter with great interest.

With regard to the beggar question which has just been pointed out by my friends, Mr. Campbell Forrester, Mr. Suhrawardy and others, I am glad to say that I have already taken up the question. I called an informal meeting in which my friend Mr. Campbell Forrester was present and we discussed the question at great length; the matter is still under the consideration of Government and I hope in a short time we will be able to do something in this direction.

On behalf of the Government I welcome the principle of the resolution framed by my friend Mr. Campbell Forrester. He is a zealous worker for the welfare of the mendicants of Calcutta; and I am sure it will do his heart good to see Government coming forward in the way it is proposed in this resolution. I have myself witnessed the good work done by the Jatiya Ayurbijnan Parishad, and it is worthy of the help it desires. The necessity also for a hospital for beggars is becoming more and more apparent day by day as our open streets and other public places will testify. Government are prepared to do something in this direction. Though prepared to accept the principle of the resolution, Government are not prepared to accept *in toto* the figures set down in the resolution of Mr. Campbell Forrester.

With regard to the grant of Rs. 5,00,000 proposed in the resolution of Mr. Campbell Forrester, I am to observe that Government are willing, when funds are available, to make a special grant of Rs. 4,00,000 in three instalments on the one condition that a sum of Rs. 1½ lakhs will be raised from the public, that is to say, from sources other than that of the Corporation.

Finally, I am to say that inasmuch as the principle of the resolution is accepted I trust Mr. Campbell Forrester will have the goodness to withdraw his resolution.

Mr. H. S. SUHRAWARDY: May I ask the Hon'ble Minister as to what has Government to do with the benefactions of the Corporation? Why should he make it a condition that Rs. 1½ lakhs should be raised from sources other than the Corporation?

The Hon'ble Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: The Corporation has already given a large sum of money, and I think it is not desirable that it should be asked to give more.

Mr. J. CAMPBELL FORRESTER: I understand that the Corporation has given Rs. 13,000 for the present. Sir, I am quite used to the feeling of sympathy which the Government always expresses but I would really like to have some practical proof of that sympathy. We are getting very very hard up and we want money for the benefit of these poor unfortunate people I have mentioned and specially for the beggars of this city.

Mr. PRESIDENT: Mr. Campbell Forrester, are you exercising your right of reply?

Mr. J. CAMPBELL FORRESTER: Yes, Sir; that is what I understand the position is.

If sufficient money can be given to remove the school immediately it would be a tremendous help, and if the Government would see its way to give us the amount necessary at once and the remaining balance of the Rs. 4 lakhs as required I will withdraw my resolution.

On the assurance being given by the Hon'ble Minister- - -

Mr. PRESIDENT: Your withdrawal must be unconditional.

Mr. J. CAMPBELL FORRESTER: Yes, Sir, that is the procedure but as the Hon'ble Minister has given his assurance that the money will be provided I withdraw my resolution unconditionally.

On the Hon'ble the President asking for leave of the House to have the resolution withdrawn, Mr. H. S. Suhrawardy objected to its being withdrawn.

The Hon'ble the President then put the question of withdrawal and it was negatived by the Council.

The resolution of Mr. J. Campbell Forrester was then put and agreed to.

Adjournment.

The Council was then adjourned till 2-30 p.m., on Wednesday, the 20th February, 1929, at the Town Hall, Calcutta.

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